



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 4, 2003
9:00 A.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order--Roll Call.

A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 11

A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

P 12

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P13

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 14

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 15

A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel regarding a specific legal matter requiring the provision of legal advice by counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended.

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THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, FOR A JOINT MEETING OF COUNCIL AND THE CITY PLANNING COMMISSION, AND BRIEFINGS BY THE CITY MANAGER.



COUNCIL WORK SESSION

AUGUST 4, 2003

9:00 A.M.

ROOM 159

AGENDA

1. Joint meeting of Council and the City Planning Commission:
 - Projected timetable for conclusion of all neighborhood plans.
 - Annual Review of Vision 2001-2020 Implementation Process.
(30 minutes)
2. Items listed on the 2:00 p.m. Council docket requiring discussion/clarification; and additions/deletions to the 2:00 p.m. docket. (25 minutes)
3. Topics for discussion by the Mayor and Members of Council. (15 minutes)
4. Agenda items for the September 2, 2003 joint meeting of Council and the Roanoke City School Board. (10 minutes)

5. Briefings:

- Grow the Zoo - Beth Poff, Executive Director, Mill Mountain Zoo. (15 minutes)
- Scattered Site Development - John Baker, Executive Director, Roanoke Redevelopment and Housing Authority. (30 minutes)
- Pavement Cut Policy (20 minutes)
- Zoning Ordinance Update (10 minutes)
- Valley Metro - Disabled Service (30 minutes)

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M. IN THE COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 4, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Rawleigh W. Quarles, Pastor, Staunton Avenue Church of God.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, August 7, 2003, at 7:00 p.m., and Saturday, August 9, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A Resolution designating Pearl Fu as Goodwill Ambassador.

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Recognition of 2003 participants in the City of Roanoke Internship Program.

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meetings of Council held on Monday, December 18, 2000, Monday, June 2, 2003, and Monday, June 16, 2003.

P 19;
P 52;
P 99

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Carol Tuning tendering her resignation as a member of the Personnel and Employment Practices Commission, effective immediately.

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RECOMMENDED ACTION: Receive and file the communication and accept the resignation.

- C-3 Qualification of the following persons:

Alphonzo L. Holland, Sr., as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2006;

Gregory W. Feldmann as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2006; and

Ralph K. Smith and R. Brian Townsend as members of the Roanoke Valley-Alleghany Regional Commission, for terms ending June 30, 2006.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Joint communication from Vice-Mayor C. Nelson Harris and Council Member Beverly T. Fitzpatrick, Jr., in connection with the stadium/amphitheater project.

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6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Endorsement of additional State funding for education.
2. Reordaining and amending Ordinance No. 35588-091701 vacating, discontinuing and closing a 12' alley adjacent to 2701 - 2729 Richelieu Avenue, S. W.
3. Acceptance of Driver/Occupant Awareness grant funds, in the amount of \$15,000.00; and execution of an agreement with the Virginia Department of Motor Vehicles.
4. Acceptance of Bulletproof Vest Partnership Grant funds, in the amount of \$9,474.02; and execution of an agreement with the Department of Justice.

P 175;
R 178

P 181;
O 183

P 185;
B/O 187;
R 188

P 189;
B/O 191;
R 192

5. Acceptance of Gang Resistance Education and Training Program grant funds, in the amount of \$4,840.00; and execution of an agreement with the U. S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

P 193;
B/O 195;
R 196

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

**MOTION AND CERTIFICATION
WITH RESPECT TO
CLOSED MEETING**

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452

ROANOKE, VIRGINIA 24011-1594

TELEPHONE: (540) 853-2444

FAX: (540) 853-1145

RALPH K. SMITH

Mayor

August 4, 2003

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith", is written over a horizontal line.

Ralph K. Smith
Mayor

RKS:snh



**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452

ROANOKE, VIRGINIA 24011-1594

TELEPHONE: (540) 853-2444

FAX: (540) 853-1145

RALPH K. SMITH
Mayor

August 4, 2003

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ralph K. Smith
Mayor

RKS:snh



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 4, 2003

The Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Subject: Request for Closed Meeting

Dear Mayor Smith and Members of Council:

This is to request that City Council convene in a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:f

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



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OFFICE OF THE CITY MANAGER

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215 Church Avenue, S.W., Room 364
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CityWeb: www.roanokegov.com

August 4, 2003

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" being more prominent.

Darlene L. Burcham
City Manager

DLB/f

cc: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



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OFFICE OF THE CITY MANAGER

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August 4, 2003

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB/f

cc: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431
FAX: 540-853-1221
EMAIL: cityatty@ci.roanoke.va.us

ELIZABETH K. DILLON
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

August 4, 2003

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel, pursuant to §2.2-3711.A.7, Code of Virginia (1950), as amended.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in cursive script that reads "William M. Hackworth".

William M. Hackworth
City Attorney

WMH:f

cc: Darlene L. Burcham, City Manager
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk

UMA

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION recognizing Pearl Fu as an honorary Goodwill Ambassador at Large for the City of Roanoke.

WHEREAS, Ms. Fu was born in Yunnan, China as Dragon Pearl and grew up in Hong Kong;

WHEREAS, Ms. Fu came to the United States when she was 18 years old to attend Marywood College and Peabody Conservatory of Music in Baltimore, Maryland;

WHEREAS, after graduation, Ms. Fu married and moved to Princeton, New Jersey. with her husband, who worked as a research scientist for Ingersoll Rand;

WHEREAS, Ms. Fu taught English to Chinese immigrants and Chinese to American business people at Berlitz Language School, Princeton, New Jersey.

WHEREAS, Ms. Fu came to Roanoke in 1986 when her husband's company relocated to this area;

WHEREAS, Ms. Fu has been active in the cultural community, often promotes cultural events in the City and is a popular spokesperson and emcee for these functions;

WHEREAS, Ms. Fu has written articles about the City's diversity and cultures for publications including Roanoker Magazine, City Magazine, The Roanoke Tribune, The Roanoke Times, VIP Magazine, and Senior News;

WHEREAS, Ms. Fu spends a great deal of her time building the cultural bridge for Roanoke's ever-growing multicultural community by coordinating programs for schools, churches, nursing homes and the community;

WHEREAS, Ms. Fu uses her language skills for the community by interpreting for the Red Cross, Hospice, the Police Department, and Refugee and Immigration Services;

WHEREAS, Ms. Fu is the founder and organizer of Local Colors, the City's annual festival celebrating its diversity;

WHEREAS, Ms. Fu has served as a board member for numerous organizations including Center in the Square, the History Museum, Roanoke Chinese Association, the Council on Race and Religion, the Organization of Chinese Americans, Roanoke College Multicultural Association, Friends of Blue Ridge Parkway, China's Yi Minority Council, and the Virginia Commission of Arts;

WHEREAS, Ms. Fu has been widely recognized for her service to the community; among the most prestigious of these awards are 1993 Citizen of the Year from Mayor David Bowers and City Council; the Humanitarian Award from the National Conference for Community and Justice; Virginia's Outstanding Citizen and Humanitarian Award from Governor Gilmore; NAACP Image Award for Humanity; and Champion Bridge Builder for International Understanding from the Cultural Exchange;

WHEREAS, Ms. Fu's self-proclaimed mission and dream is to spread goodwill to people of diverse origin, race, religion and creed; to promote multiculturalism by sharing and learning; and to build better understanding between China and America, Yunnan and Virginia, and all people in the universe—making this a kinder, happier world.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that Council adopts this resolution as a means of commending Pearl Fu's contribution to the cultural richness of our community, and hereby recognizes her as an honorary Goodwill Ambassador at Large for the City of Roanoke.

ATTEST:

City Clerk

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

December 18, 2000

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, December 18, 2000, at 12:15 p.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and Resolution No. 35000-080701 adopted on Monday, August 7, 2000.

PRESENT: Council Members William White, Sr., William D. Bestpitch, William H. Carder, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----5.

ABSENT: Council Members C. Nelson Harris and Linda F. Wyatt-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; James D. Ritchie, Sr., Deputy City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The Mayor declared the meeting in recess at 12:16 p.m., for a tour of the New Century Business Venture Center, 1354 8th Street, S. W., City of Roanoke, said Council meeting to be reconvened at 3:00 p.m., in the Governor's School Lecture Hall, Patrick Henry High School, 2102 Grandin Road, S. W., City of Roanoke.

At 3:00 p.m., on Monday, December 18, 2000, the regular meeting of City Council reconvened in the Governor's School Lecture Hall, Patrick Henry High School, 2102 Grandin Road, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; James D. Ritchie, Sr., Deputy City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend William L. Lee, Pastor, Loudon Avenue Christian Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

Council Member Bestpitch requested that Item C-1, minutes of the regular meetings of Council held on Monday, July 3, 2000, Monday, July 17, 2000, and the Planning Retreat held on July 20-21, 2000, be removed from the Consent Agenda and considered separately.

TRAFFIC: A report of the City Manager recommending that a public hearing be advertised for January 16, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider previously received applications for Federal funds made available through the Transportation Equity Act for the 21st Century (TEA-21) for transportation enhancement projects in fiscal year 2001-02, was before the Council.

Mr. Harris moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-PARKS AND RECREATION-BRIDGES-GREENWAY SYSTEM-WATER RESOURCES-STREETS AND ALLEYS: A report of the City Manager recommending authorization to file a petition to close a portion of public street right-of-way along Albemarle Avenue, S. W., in exchange for certain private property, in connection with the Mill Mountain Greenway Project, was before Council.

Mr. Harris moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

TOWING CONTRACT-PERSONNEL DEPARTMENT-ROANOKE ARTS COMMISSION-OATHS OF OFFICE-COMMITTEES: The following reports of qualification, were before Council:

Charles A. Karr as a member of the Towing Advisory Board, for a term ending June 30, 2003;

Lylburn D. Moore, Jr., as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2002; and

Susannah Koerber as a member of the Roanoke Arts Commission, for a term ending June 30, 2003.

Mr. Harris moved that the reports of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

COUNCIL: Minutes of the regular meetings of Council held on Monday, July 3, 2000; Monday, July 17, 2000; and the Planning Retreat held on July 20 - 21, 2000, were before the body.

Council Member Bestpitch advised that the past practice of Council has been to receive an advance copy of the Council minutes for approval prior to the Council meeting in which they are listed on the printed agenda; however, he referred to a communication from the City Clerk advising that it has been suggested that the City Clerk's Office discontinue the practice of including photocopies of the Council's minutes in the agenda package. He inquired as to how the Members of Council can be expected to vote to approve minutes which have not been provided in advance for review.

The City Clerk advised that because of the length of the minutes and photocopying expenses, it was suggested that a letter be included in the Council's agenda material advising that the minutes would be available on the Internet. She

added that she would provide any Member of Council with copy of the minutes prior to the Council meeting in which the minutes are listed on the agenda for approval.

Mr. Bestpitch inquired if Council had discussed accessing the minutes on the Internet rather than having the minutes photocopied; whereupon, Mayor Smith advised that the matter had not been discussed at a Council meeting, but it had been previously discussed as a more efficient way to review the minutes and save the cost of photocopying expenses. He stated that if it is the desire of Council to continue receiving photocopies of the minutes, the City Clerk should be so advised.

Council Member Harris advised that it is better stewardship of equipment and staff time to access the minutes on the Internet, and photocopy of the minutes could be provided to any Member of Council who requests that specific format; whereupon, he moved approval of the minutes as above referenced. The motion was seconded by Mr. Hudson.

Council Member Wyatt respectfully disagreed with Council Member Harris, and advised that it is important that Council be furnished with a copy of the minutes for review prior to approval; and not all citizens have access to the Internet. She expressed reservations that Council would approve minutes that were not previously reviewed; she was not aware that the Council minutes were to be placed on the Internet; and the Council should be consulted prior to making major changes; therefore, she objected to the process.

Following further discussion of the matter, Mr. Harris offered a substitute motion that the minutes of the meetings held on July 3, 2000, July 17, 2000, and the Planning Retreat held on July 20-21, 2000, be tabled until the next meeting of Council on January 2, 2001, to allow time for the Members of Council to review the minutes prior to approval. The motion was seconded by Mr. Hudson and unanimously adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS:

HUMAN DEVELOPMENT-BLUE RIDGE COMMUNITY SERVICES: Dr. Dolores Johns, Member, Blue Ridge Community Services, Board of Directors, reported on the services provided to citizens of Roanoke for the year that ended June 20, 2000, by Blue Ridge Community Services. She advised that during the period, staff delivered over 315,000 units of service to approximately 9,000 residents of the City of Roanoke, at a cost of over \$11 million. She further advised that Roanoke's local matching contribution to the Agency's fiscal year 2000 operations was \$378,357.00, which means that the citizens of Roanoke received \$29.78 worth of services for each tax dollar allocated to Blue Ridge Community Services.

Dr. Johns highlighted the following as a part of Blue Ridge Community services' renewal 2000 restructuring of services:

Blue Ridge opened the assessment center to provide a single consumer-oriented means of access to all of its clinical services.

Intake and assessment services are provided to all consumers of all ages and with all disabilities, and the center is located at 1729 Patterson Avenue, S. W.

Jail assessment and treatment services provides a full array of substance abuse services to inmates of the Roanoke City Jail, including modified therapeutic communities for both men and women.

Funding targeted specifically for substance abuse prohibits Blue Ridge from addressing the critical needs of inmates with mental illness, and Blue Ridge has developed a proposal which has been endorsed by the Sheriff's Departments of both Roanoke City and Roanoke County to implement a pilot program for the provision of mental health assessment, treatment, crisis counseling, psychiatric care, appropriate medications, and case management. It was noted that Blue Ridge expects that this collaboration will result in an effort to seek funding from the General Assembly for the pilot program.

Blue Ridge therapeutics are stationed at the Roanoke Adolescent Health Partnership (RAHP) sites in order to provide greater access to counseling for children and adolescents age 11 - 18 years. The sites are William Fleming High School, Ruffner Middle School, Patrick Henry High School and the Hurt Park Community Center. The therapist positions are funded through a contract with RAHP from a United Way Venture Grant and a Roanoke City Community Development Block Grant. Blue Ridge provides clinical and administrative oversight as an in-kind contribution to the partnership.

Blue Ridge participated in an adult care pilot project last year to provide consultation and support to staff and consumers at four targeted assisted living facilities in the valley. Results demonstrated decreased hospitalizations, decreased length of hospital stays, increased levels of functioning and positive feedback from consumers and staff alike. Currently, staff provides case management to consumers living in 13 assisted living facilities, and Blue Ridge plans to expand the adult care pilot services to targeted consumers living in non-piloted assisted living facilities. Additional funding has been received for a Program of Assertive Community Treatment (PACT), which will allow for expanded psychiatric services and group activities for adults with serious mental illness who are homeless, or have histories of frequent use of state hospitals.

During the 1999-2000 school year, Blue Ridge worked in partnership with Roanoke City Schools to provide day treatment services and school-based substance abuse counseling; and on site substance abuse counseling has created greater access to this service at an early stage of intervention. The day treatment services have been aimed to maintain emotionally disturbed children in the least restrictive and less costly special education setting by placing staff persons on site with teaching staff during each school day. Day treatment was provided in four elementary schools, Roanoke Academy of Math and Science, Highland Park, Fallon Park, and Lincoln Terrace. For the coming year, these same schools are receiving day treatment and a new contract for substance abuse counseling has been signed. Also, day treatment services were provided on-site with the summer school program at Westside Elementary School. Other examples of Blue Ridge services provided to the citizens of Roanoke are noted in a written report.

Dr. Johns stated that the public system for addressing the needs of mentally disabled citizens has been in a period of accelerating transition for several years, and the performance contract with the State reflects the change; a major concept of the new contract is priority populations in which the State narrowly defines who is eligible for services funded with state controlled funds; and the established criteria for priority populations limit access to only the most severely mentally disabled individuals in the communities. She further stated that the state policy comes at a time when a recent valley-wide study has identified mental health services as the number one unmet community health care need, thus presenting a challenge for everyone; and equally challenging is the mandated 90 - 10 state/local matching funds ratio. She pointed out that local tax requests each year are based upon minimums necessary to meet the requirement, rarely is the State funded at the levels requested by agencies; and if the funding request is not granted this year, Blue Ridge Community Services stands to lose in excess of \$85,000.00 in discretionary State funds because of insufficient local matching dollars. Dr. Johnson commented that at a time when there is increasing identified needs and demand for services, Blue Ridge is striving to avoid any reduction in current capacity.

In conclusion, Dr. Johns advised that the Board of Directors and staff of Blue Ridge feel very positive about its working relationship with City Council and City officials. She expressed appreciation for Council's continuing support of Blue Ridge Community Services and its mission.

Council Member Bestpitch called attention to comments under the jail assessment and treatment services as stated by Dr. Johns, advising that funding targeted specifically for substance abuse prohibits the agency from addressing the critical needs of inmates with mental illness. He inquired about the number of inmates receiving treatment for mental illness; whereupon, the City Sheriff responded that approximately 180 inmates out of 500 received assistance.

Mr. Bestpitch advised that a fairly high percentage of persons require some other form of mental health treatment, and inquired if other initiatives are underway or in the planning stages to provide follow up treatment, not only while inmates are incarcerated, but after they are released from jail.

James Sikkema, Executive Director, Blue Ridge Community Services, advised that jails are new institutions, and, for many years, institutions that provided for individuals with mental illness were state hospitals. He further advised that as de-institutionalization has moved forward, much of the jail population suffers from a serious mental disorder; and many of the crimes are directly related to mental disorders. Therefore, he stated that it is extremely difficult for jails and sheriff's departments, with their specific missions, to deal alone with this most challenging population.

The Mayor advised that without objection by the Council, the remarks of Dr. Johns and Mr. Sikkema would be received and filed.

PETITIONS AND COMMUNICATIONS:

BONDS/BOND ISSUES-INDUSTRIES: A communication from Harwell M. Darby, Jr., Attorney, representing the Industrial Development Authority, requesting approval of a plan of financing to assist Our Lady of the Valley, Inc., in financing, constructing, and equipping an addition to its facility, by issuance of industrial development revenue bonds in an amount estimated at \$3 million, was before Council.

Mr. White offered the following resolution:

(#35166-121800) A RESOLUTION approving the plan of financing of the Industrial Development Authority of the City of Roanoke, Virginia, for the benefit of Our Lady of the Valley, Inc., to the extent required by Section 147 of the Internal Revenue Code of 1986, as amended and Section 15.2-4906 of the Virginia Code.

(For full text of Resolution, see Resolution Book No. 64, page 47.)

Mr. White moved the adoption of Resolution No. 35166-121800. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of funds to the following school accounts, was before Council.

\$3,700.00 for the Regional Literacy Coordinating Committee established by the Virginia Literacy Initiative to provide literacy coordination services. This new program will be reimbursed 100 per cent reimbursed by State funds.

\$90,279.00 for the Individualized Student Alternative Education Program component of the Blue Ridge Technical Academy for vocational assessment, recruitment, and placement services for approximately 50 students with the goal of placing students into the local work force. This continuing program will be reimbursed by State funds.

A report of the Director of Finance recommending that Council concur in the request, was also before the body.

Mr. White offered the following emergency budget ordinance:

(#35167-121800) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 School Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, page 49.)

Mr. White moved the adoption of Ordinance No. 35167-121800. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

BONDS/BOND ISSUES-SCHOOLS: A communication from George J. A. Clemo, Attorney, representing the Roanoke City School Board, recommending adoption of a resolution authorizing issuance of a General Obligation Qualified Zone Academy Bond, in the amount of \$1,291,618.00, for the Roanoke Academy for Mathematics and Science, was before Council.

Ms. Wyatt offered the following resolution:

(#35168-121800) A RESOLUTION authorizing the issuance of not to exceed \$1,291,618.00 General Obligation Qualified Zone Academy Bond (Roanoke Academy), Series 2000, of the City of Roanoke, Virginia, to be sold to First Union National Bank and providing for the form and details thereof.

(For full text of Resolution, see Resolution Book No. 64, page 51.)

Ms. Wyatt moved the adoption of Resolution No. 35168-121800. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

ARMORY/STADIUM-CONSULTANTS REPORTS: The City Manager presented a briefing with regard to the various options in connection with Victory Stadium. Ms. Burcham advised that as the incoming City Manager, she received a call from the Roanoke City School Superintendent who shared information with regard to a series of meetings which were held relating to Victory Stadium, and specifically related to high school football needs; the School Superintendent stated that in late November 1999 or early December 1999 it was reported that the high school needs should be addressed; the school system was anxious to have a facility with a minimum of 3,000 seats, expandable to 6,000 for state-wide championships, and was of the opinion that the stadium issue rested with City Council. She further advised that she was aware that the Parks and Recreation Master Plan was almost ready for public comment, and Victory Stadium was proceeding through the Comprehensive Plan process; an administrative decision was made in early January 2000 that the Comprehensive Plan needed to go forward without being encumbered by the issue of Victory Stadium; and Victory Stadium should be studied independently.

The City Manager stated that she made an administrative decision to change the oversight of Victory Stadium to Civic Facilities, with the understanding that Victory Stadium, as a resource, was not only being under utilized, but under marketed and under represented in the assets of the City; the Civic Center Facilities Director, with his responsibilities for the arena, the theater and other amenities, is in a better position to manage Victory Stadium; and Rosser International, a consulting firm, was retained to study Victory Stadium. She stated the opinion that no public facility in the future should be built as a single purpose facility; the City should address the multi-purpose nature of its facilities; i.e.: a fire station should do more than house fire and EMS services, a school building should do more than provide educational facilities for children, and Victory Stadium should do more than satisfy high school football needs.

Ms. Burcham pointed out that the 1996 Heery International Study commissioned by Council addressed the following options:

Option One was the basic infrastructure remediation to allow the 25,000 seat stadium to remain roughly a 24,000 seat facility, retrofitting the existing locker rooms and restrooms, updating ADA accessibility requirements, and lighting upgrades at an estimated cost of \$6.5 million.

Option Two was to complete renovation of the existing stadium to provide a roughly 24,000 seat facility, with additional public improvements such as restrooms and new concession spaces, new locker rooms, a press box, new entry gates, ADA accessibility improvements, and updated lighting. That particular option again in 1996 dollars represented a commitment of \$8.7 million.

Option Three was renovation of the east grandstands because the west grandstands were in poorer structural condition than the west side which would have eliminated some seating, leaving a total of 19,144 seats remaining for \$12 million.

Option Four and the preferred option in 1996 was removal of the lower portions on each side of the stands by raising the playing field to deal with the flood plain issue, which would have left roughly 15,000 seats in that construction, an elevated concourse, a raised playing field, a covered stage area close to the river, new press box, locker rooms, entry gates, and other amenities for \$14.6 million.

Ms. Burcham explained that the Stadium would be able to accommodate, within the reformatting of the football field, a regulation soccer field, which the current facility attempts to do but does not meet regulations. She advised that the Stadium would have a track, a portable stage for concerts, new press facilities on the west side, partially elevated concourses, and the field would be raised above the 100 year flood plain; and advantages of this particular option are:

good site lines for all sports events,

the field is out of the flood plain, and

minimum sound interference to the hospital due to minimum concert events.

The City Manager noted that the facility's size and support facilities are excessive for sports spectator needs; conversations have been held with promoters and entertainers who state that both the size and configuration of the facility are

issues that are paramount as events are booked; the track under this option would extend 10 - 20 feet beyond the planned Corps of Engineers river wall as a part of the flood reduction projects, causing a configuration adjustment of the track; and the City Administration has not had time to fully address the matter. She stated that this particular option with the location of the stage is not the best in terms of sight lines for concerts on the stage because the portable stage setup eliminates the marketability of the stage for promotion, and the lower concourse would remain in the flood plain; and if the facility is maintained at this particular size -- approximately 15,000 seats -- additional parking needs have not been fully addressed at this time. She further stated that this option updated to the current year's costs escalated would be \$16,538,000.00, which was discarded earlier by Council because of the lack of marketability to the concert market. She added that both Council and the City administration have an interest in making the City of Roanoke the entertainment center of southwest Virginia.

Ms. Burcham advised that the second option would renovate the facility, maintain half of the stadium, and add a stage for concert uses, which creates a 9,000 seat facility with approximately 8,000 seats on one side as bench seats, and 1,000 seats in telescopic risers, and provide for a total of 20,000 seats for an amphitheater setup, 9,000 permanent seats, and 11,000 portable chairs or lawn seats in the playing field area. She further advised that this option also provides soccer fields, a football field, new press facilities, with the east side of the property supporting concert functions; the City would have a new state of the art permanent side stage as opposed to a portable stage, the entire facility would be raised above the 100 year flood plain, and telescoping side stage seats would be provided for both sports and concerts on the stage side of the facility.

The City Manager explained that the advantages of this option are that the facility side and the support facilities would be in keeping with the needs of spectators for both sports and entertainment; there would be revenue potential from the amphitheater, the concept fits within the perimeters of the flood wall that will be built, and the parking needs for this size facility are more in line with the anticipated availability in the immediate area; disadvantages are that more seats are sports seats as opposed to concert seats, the press faces the west toward the setting of the sun; no track is provided with this option, with the track to be provided at an alternate site; and City officials are aware of the need for track facilities. She pointed out that both of the above mentioned options and the following option does not include a track, therefore, an alternate site would have to be developed for track facilities. She noted that the lower concourse in this option remains in the flood plain; due to location of the amphitheater, City officials might have some sound issues as it relates to the hospital; and the total cost for the renovation is \$14.4 million.

Ms. Burcham further explained that Option 1C, which is a new stage and new stadium for both sports and concert uses, is an 8,000-seat facility, with 7,000 permanent chairs on one side and the same 1,000 telescopic risers located in the amphitheater. She indicated that Option 1C includes 1,000 seats which is smaller than the previous option, although additional seats could be added for approximately \$300,000.00, which would provide a total of 19,000 seats as an amphitheater setup, 7,000 permanent seats and 11,000 portable chairs or lawn seating; in this option the stadium has been rotated to maximize all users relative to sun angles; and the advantages to this option are similar to Option 1B. She advised that the concept fits within the flood wall perimeters, parking need is in line, and the major difference is seating whereby all seats will be chair seats, as opposed to bench seats that exist in the partial renovation option; and this option has a cost of \$18.2 million, with a revenue potential that actually over time would develop into a positive cash flow. She further advised that City officials would estimate that after several years of promotion, the City would generate approximately \$30,000.00 to \$50,000.00 in additional revenue in excess of expenses, if the facility is marketed properly.

The City Manager emphasized the importance that the Victory Stadium facility continue to honor the tradition and rich history of its original construction, and suggested that the selected architectural or engineering firm be challenged to ensure that the Victory Stadium tradition is properly honored in the entranceway and perhaps a miniaturization of the fountain which has not been operational for many years. She called attention to a recent offer by a local firm to review the renovation option, at no cost, which is available for the Council's consideration.

Mr. Bill Ammen, 4938 Greenlee Road, S. W., inquired if the third option calls for a complete demolition of Victory Stadium; whereupon, the City Manager responded in the affirmative. Mr. Ammen advised that as described by former Judge Jack B. Coulter, Victory Stadium as a sacred memorial to the United States victory over Nazi Germany and Imperial Japan; Victory Stadium is not only a monument to our victory, but a monument to those who died on the beaches of Normandy, Iwo Jima and Okinawa, and in the many battles of World War II.

Inasmuch as Mr. Chris Craft, 1501 East Gate Avenue, N. E., had to leave the meeting, the City Clerk read the following prepared statement on behalf of Mr. Craft:

"I am here today to state my opinion on the future of Victory Stadium. I feel the present building is old and outdated and should be raised. On the other hand, as Mayor Smith has stated, it is structurally sound. I feel that the building could be renovated and the parking lot paved. It has seen its heyday. If renovating it would preserve Roanoke's history and the money that would have been used to raise it could improve the practice fields at our two high schools, and parking improved at the present stadium, like paved, lights in the parking lot."

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, stated that Victory Stadium could be a multi-purpose facility and should be marketed accordingly.

Mr. Bob Caudle, 4231 Belford Street, S. W., stated that a portion of the existing structure can be reused, and encouraged City Council to continue to be dedicated to Victory Stadium for its original need.

Mr. Donald Dickerson, 4441 Oleva Street, N. W., stated that the City can improve the present stadium as it is, or another facility could be constructed. He further stated that the City of Roanoke has been short sighted, the City does make appropriate use of its assets, i.e., a baseball field with a baseball diamond and a pro team which no longer exists, and a civic center that is land locked and unable to expand, etc. He advised that the City should consider enlarging Victory Stadium and promoting the facility.

Mr. Rick Williams, 3725 Sunrise Avenue, N. W, stated that he had no opinion on any of the options that were presented by the City Manager. He urged that Council not demolish Victory Stadium, only to replace the facility with a depressing piece of modernist architectural blight. He suggested that the City Manager hire a new urbanist architect and designer who can create a stadium that will be worthy of the affection and respect of Roanoke's citizens.

Mr. Frank Roupus, 1841 Warrington Road, S. W., called attention to facilities of the past that were razed or altered, such as the American Theater, the Jefferson High School Building, The Hotel Roanoke, the N & W Building, Center in the Square, block housing, the Mill Mountain Theater, and others. He advised that the City is now faced with the possibility of losing another part of its history Victory Stadium, which is a landmark that should remain in the City, and is due a facelift rather than total destruction.

Ms. Rebecca Sweeney, 3605 Heritage Road, S. W., advised that she plays soccer for Patrick Henry High School which uses Victory Stadium for many of its home games; and the stadium is dilapidated, difficult to play on, not well kept, and its size and current condition discourage spectators. She further advised that if Victory Stadium is torn down and a new smaller stadium is constructed, athletes and the community as a whole would be better served. She spoke in support of demolishing Victory Stadium and building a new facility.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired if public hearings will be held in the future so other citizens will have an opportunity to provide input. She stated that there should be creative reuse of the stadium to remember the past, to honor the present and to challenge those in the future. She further stated that she is pleased to know that the City Administration is interested in multiple use of the

stadium, and suggested that the City Manager include facilities for professional tennis and other sports and entertainment. She urged that the size of the stadium not be decreased because as the City proceeds to market the stadium, more seats will be needed than are available at the present time. She spoke in support of creative reuse of the stadium to include other sports activities and entertainment.

Mr. Burch Sweeney, 3605 Heritage Road, S. W., advised that any consideration of a new stadium should bring to the forefront the service of Roanoke Valley citizens during World War II and the need to keep the theme of Victory Stadium alive. However, he stated that the 58 year old building is beyond rehabilitation; it is essential that the City provide a facility for track for its students, in addition to a regulation size football and soccer facility; and a facility should be constructed in the range of 8,000 - 10,000 seats.

At 4:30 p.m., the Mayor declared the meeting in recess.

At 4:40 p.m., the meeting reconvened in the Governor's School Lecture Hall, Patrick Henry High School, with Mayor Smith presiding, and all Members of the Council in attendance.

Council Member Hudson expressed concern with regard to cost estimates for the stadium, and suggested that the City Manager postpone any recommendation until Council has received further information and comments by citizens.

Council Member Harris expressed appreciation to the City Manager for a thorough presentation of the main options. He inquired if cost figures have been updated and are based on current economics; whereupon, the City Manager responded in the affirmative. He requested a recommendation from the City Manager in regard to the process for information sharing with Council and the public.

The City Manager advised that it is recommended that Council be prepared to make a decision with regard to the various options at some point in the month of February 2001 to enable budgetary issues to be addressed. She further recommended that Council receive public comment in January 2001 and that the public hearing be held at a time other than the third Monday of the month which is normally set aside by Council to conduct its monthly public hearings. She explained that a public hearing on the issue of Victory Stadium, solely, would give Council an opportunity to receive citizen comments, and in February 2001 Council could make a decision with regard to Victory Stadium.

Upon question, the City Manager advised that consideration by Council should be narrowed to options 1B and 1C because both options call for a smaller facility

that is not only sized, but is functionally appropriate to the competitive world as it relates to multi-purpose activities. She commented that as City Manager she is committed to living within a budget that is approved by Council.

There was discussion regarding option 1B which is to maintain half of the existing stadium and adding stage, sports, concert uses on the other side; and option 1C which is a new stadium and stage with sports and concert uses; whereupon, the City Manager advised that both options do not include a track as mentioned in the presentation; there should be an understanding/discussion that a track would be built at an appropriate location to be determined with input by the Roanoke City School Board/Administration; and the City's estimate would be approximately \$900,000.00 to \$1.1 million for a first class, all weather track with appropriate seating, etc., using one of the sites currently in the City in the possession of the school system.

Vice-Mayor Carder inquired if the recommendation is to disregard Option 1, which is to renovate Victory Stadium, and schedule a public hearing to receive citizen comments on Option 1B and 1C; whereupon, the City Manager responded in the affirmative. Mr. Carder prefaced his comments by stating that he is in favor of historic renovation, he manages an old historic hotel in downtown Roanoke, and he serves on the Downtown Roanoke, Inc., Board of Directors that refurbished the Norfolk Southern buildings, the GOB North building for use as a Higher Education Center, and the GOB South with apartments. He stated that the last time 20,000 people in the stands at Victory Stadium was in 1966 for the Dave Matthews concert which cost the City approximately \$80,000.00. He added that the City should incorporate the history of Victory Stadium in whatever design is agreed upon by the Council. He stated that events will not be held in a renovated Victory Stadium because there is too much competition and the facility is not user friendly. He agreed with the City Manager's comment that the City should look at things multi-dimensionally and find creative ways of generating revenue. He pointed out that even if Victory Stadium is renovated, the City will still have operating costs of approximately \$250,000.00 a year; and under Option 1C, which is a new facility, the City is estimating a profit of approximately \$30,000.00, a difference of about \$3 - 3.5 million in net present value.

Vice-Mayor Carder stated that the City of Roanoke should be more aggressive in marketing and advertising its current facilities such as Explore Park, the Virginia Museum of Transportation, downtown Roanoke, the City Market, etc.; and the issue is greater than just Victory Stadium. He further stated that the City should honor and celebrate the past and be creative in its approach to economic development. Therefore, he spoke in support of the City Manager's recommendation.

Council Member White expressed concern with regard to Vice-Mayor Carder's support of the City Manager's recommendation, even though she has not officially made the recommendation known to the Members of Council. With regard to a public presentation, he advised that today is the first time Council has reviewed options going back to the original study and moving forward; and expressed appreciation to the City Manager for an excellent presentation. He expressed concern with regard to limiting public discussion to only two options which does not include a complete renovation of Victory Stadium.

For clarification purposes, Mr. White inquired about including Option One for discussion inasmuch as the public had expressed an interest in Option One; whereupon, the city Manager stated that Council reviewed and narrowed the options in August 2000 to Options 1B and 1C. She stated that the City should market itself as an entertainment venue, and Council should listen to not only the citizens, but to the experts in the promotion and entertainment arena in making its decision. She pointed out that if the Council prefers a totally open public process, providing a third option will not delay the process. She pointed out that at some point, the issue of functionality of the facility will have to be addressed, along with costs and various other issues. She reminded Council that Option 1 fails to address an enhanced multi-purpose use.

Council Member White requested that the City Manager provide Council with a report at its meeting with regard to the track issue, cost per seat for stadium use, cost per seat for concert use; and implications of operating costs on debt service.

Council Member Wyatt expressed concern that Council not lose sight of what is important in the process – the youth – not only those who are currently in high school, but those who may return to the Roanoke Valley to become community leaders. She stated that the City should let go of the past and look at providing opportunities for young adults that will keep them in Roanoke, or cause them to return to the Roanoke Valley.

Council Member Bestpitch advised that he supports the City Manager's suggestion that the Council narrow the recommendations down to two options, and thereafter proceed within the time frame to receive public comment, followed by a decision of the Council. He also agreed with some of the concerns expressed by Council Member White with regard to seeking a professional opinion regarding Victory Stadium.

Council Member Harris moved that Council concur in the City Manager's recommended course of action that options 1B and 1C go forward for public comment, that a public hearing be held in January 2001, with the goal of voting on the options in February 2001. The motion was seconded by Mr. Bestpitch.

Mayor Smith advised that Victory Stadium has not only historic value, but financial value, and can be more competitive in the marketplace as either a renovated or a partially renovated stadium.

Following discussion with regard to Option 1, Mr. Hudson offered a substitute motion that Option 1 also be included in the public hearing for comment by citizens. The motion died for lack of a second.

The motion to hold a public hearing in January 2001 on Options 1B and 1C, with a vote by Council in February 2001, was adopted, Council Member Hudson and Mayor Smith voting no.

At 6:10 p.m., the meeting was declared in recess.

At 6:15 p.m., the meeting reconvened in the Governor's school Lecture Hall, Patrick Henry High School, with Mayor Smith presiding, and all Members of Council in attendance.

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-CITY MANAGER: The City Manager submitted a written report advising that the General Assembly amended State law, effective July 1, 2000, to change the required membership of the Regional Community Criminal Justice Board; in addition to the current membership, Roanoke must appoint one additional person who is either a Member of Council, the City Manager, a Deputy or Assistant City Manager; and prior to the amendment to State law, the Board consisted of 13 members. She further advised that each of the 12 participating localities must appoint an additional member and each participating locality is reappointing current members of the Board; no local funding is required as a condition of Roanoke's participation; and the City of Salem serves as fiscal agent for the program.

The City Manager recommended that Council adopt a resolution to appoint George C. Snead, Jr., Assistant City Manager for Community Development, to the Regional Community Criminal Justice Board.

Mr. Bestpitch offered the following resolution:

(#35169-121800) A RESOLUTION establishing, by joint action of the Boards of Supervisors of the Counties of Alleghany, Bath, Botetourt, Craig, Roanoke and Rockbridge, and the City Councils of the Cities of Buena Vista, Clifton Forge, Covington, Lexington, Roanoke and Salem, the membership of the Court-Community Corrections Regional Community Criminal Justice Board to serve the region composed of those Counties and Cities.

(For full text of Resolution, see Resolution Book No. 64, page 55.)

Mr. Bestpitch moved the adoption of Resolution No. 35169-121800. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

TRAFFIC-BUDGET-WESTERN VIRGINIA FOUNDATION FOR THE ARTS AND SCIENCES-ROANOKE PASSENGER STATION RENOVATION PROJECT: The City Manager submitted a written report advising that the Roanoke Foundation for Downtown, Inc., (RFDI), submitted an application, at the encouragement of Congressman Bob Goodlatte's Office in January 1998, seeking amendment to the Transportation Equity Act for the 21st Century (TEA-21) legislation to include transportation funds for the Roanoke Passenger Station Renovation project; and the project received an allocation of \$500,000.00 from the High Priority Project funds for renovation of the Roanoke Passenger Station.

It was further advised that the \$500,000.00 is provided over six years which is not a direct Federal grant, but a reimbursement program; upon execution of all appropriate agreements, 80 per cent of expenditures incurred are reimbursed by Federal funds; the 80 per cent Federal funds require a 20 per cent match of \$125,000.00; the Federal Highway Administration views the Virginia Department of Transportation (VDOT) as the recipient agency; and VDOT views the City of Roanoke as the responsible entity to implement the improvement .

It was stated that Council endorsed the Roanoke Passenger Station Renovation Project on January 19, 1999, and agreed to pay 20 per cent of the total cost as required by VDOT; the City's match would be provided by RFDI; Council authorized execution of separate agreements with VDOT and RFDI for the project; on July 3, 2000, Council also authorized an agreement with JDL Castle Corporation when it appeared the Company would be the entity responsible for the project; however, JDL Castle Corporation did not become the responsible entity due to the Roanoke Passenger Station building and property being sold by RFDI to the Western Virginia Foundation for the Arts and Sciences (WVFAS); and WVFAS has plans to develop the Roanoke Passenger Station Building.

It was explained that legal requirements include authorization from Council to execute an agreement with WVFAS in place of JDL Castle Corporation; in addition to a City/State Agreement by which the State holds the City as the responsible agency for the project, WVFAS would enter into a separate agreement with the City by which it would fulfill all of the obligations undertaken by the City, and perform all of the tasks undertaken by the City, by virtue of the City's execution of the City/State Agreement and will comply with each of the requirements set forth in the Agreement

and all Federal and State regulations and requirements applicable to all work performed on the Project, including performing, or contracting to perform, tasks relating to the construction of the Project, and procuring consultant services contracts and construction contracts, in accordance with the Virginia Public Procurement Act.

It was pointed out that in addition WVFAS's funding plan, a request has been made that the City pledge \$1,500,000.00 to the first two phases of the project, which is estimated at \$8,789,900.00; it has been requested that the City provide \$250,000.00 to WVFAS which is available in the General Fund Transfers to Capital Projects Fund; such funding would not represent a commitment to WVFAS for the remaining \$1,250,000.00 which would be subject to further discussion during the upcoming budget review process and Council's financial planning session; and the \$500,000.00 of TEA-21 funds need to be appropriated (to be reimbursed by VDOT), with an additional \$250,000.00 appropriated from Transfers to Capital Projects, to an account to be established by the Director of Finance for disbursement to WVFAS.

The City Manager recommended that she be authorized to execute, on behalf of the City, a legally binding agreement with Western Virginia Foundation for the Arts requiring the organization to be fully responsible for its 20 per cent matching funds, as well as all other obligations undertaken by the City by virtue of the City/State Agreement; and appropriate \$500,000.00 of TEA-21 funds (to be reimbursed by VDOT) and \$250,000.00 from Transfers to Capital Projects to an account to be established by the Director of Finance for disbursement to the WVFAS.

Mr. Harris offered the following emergency budget ordinance:

(#35170-121800) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, page 58.)

Mr. Harris moved the adoption of Ordinance No. 35170-121800. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following resolution:

(#35171-121800) A RESOLUTION authorizing the City Manager to enter into a contract with Western Virginia Foundation for the Arts and Sciences for

development and administration of the renovations and construction improvements to the Roanoke Passenger Station Building, committing the Western Virginia Foundation for the Arts and Sciences to be fully responsible for the 20 per cent matching funds, as well as all other obligations undertaken by the City by virtue of an agreement with the Virginia Department of Transportation, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64, page 59.)

Mr. Harris moved the adoption of Resolution No. 35171-121800. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-DRUGS/SUBSTANCE ABUSE-GRANTS: The City Manager submitted a written report advising that in 1986, Congress authorized the transfer of certain Federally forfeited property to State and local law enforcement agencies that participated in the investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney; and the property, including funds shared with State and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement.

It was further advised that participation in the Federally forfeited property program enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, overtime expenses, and by offsetting the costs that would otherwise have to be borne by the City's taxpayers; the Police Department receives funds periodically from the Federal Government's Asset Sharing Program; grant requirements include that these funds be placed in an interest bearing account and the interest earned be used in accordance with program guidelines; and revenues totaling \$87,939.00 have been received and are available for appropriation in Grant Fund Account Nos. 035-640-3304-3305 and 035-640-3304-3306.

The City Manager recommended that Council approve appropriation of \$87,939.00 to the Grant Fund account for Investigations and Rewards (035-640-3304-2150) and increase the Grant Fund revenue estimate for Account No. 035-640-3304-3305 by \$86,995.00 and for Account No. 035-640-3304-3306 by \$944.00.

Mr. Harris offered the following emergency budget ordinance:

(#35172-121800) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, page 61.)

Mr. Harris moved the adoption of Ordinance No. 35172-121800. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

PARKS AND RECREATION-DONATIONS/CONTRIBUTIONS-NEIGHBORHOOD ORGANIZATIONS-GREENWAY SYSTEM: The City Manager submitted a written report advising that the Roanoke Valley Conceptual Greenway Plan developed in 1995 and adopted into the City's Comprehensive Plan in April 1996 suggests 51 greenway corridors throughout the Roanoke Valley, of which about half go in or through the City of Roanoke; the Greater Raleigh Court Civic League won a Neighborhood Partnership grant to develop a plan for a route through its neighborhood, and worked with the Roanoke Valley Greenway Commission, Roanoke Parks and Recreation, and Whitesell-Orrison Landscape Architects to develop the plan; several community workshops were held, leading to a plan for a two-mile trail connecting Patrick Henry High School, Raleigh Court Elementary School, James Madison Middle School, Fishburn Park Elementary School, and Virginia Western Community College via Shrine Hill Park, Woodlawn Park, and Fishburn Park; and the entire greenway is planned on City-owned land.

It was further advised that Roanoke City Public Schools support the proposed greenway trail as an asset supporting its educational missions by providing convenient opportunities for access to natural areas within the City; Roanoke Parks and Recreation considers the proposed greenway trail to be a valuable addition to the parks system and in accordance with the Conceptual Greenway Plan; the greenway trail will improve the pedestrian transportation network by providing an off-road connection where none currently exists from Grandin Road across Brambleton Avenue to Colonial Avenue; the Civic League proposes to build Phase One of the greenway trail from the Patrick Henry High School track to the existing footbridge in Fishburn Park; estimated value of the project is \$55,300.00, of which 100 per cent will be donated by or through the Greater Raleigh Court Civic League; and the project includes construction of a four-foot-wide natural surface trail from the vicinity of the Patrick Henry High School track to Montgomery Avenue, S. W., a new footbridge in Woodlawn Park estimated at \$17,000.00 in value to be built by Jason Nanz, an Eagle Scout candidate, and a ten-foot-wide cinder trail in Fishburn Park to the existing footbridge.

It was stated that also included in the Greater Raleigh Court Civic League donation will be appropriate trailside amenities such as benches and trash cans; responsibilities for ongoing maintenance of the greenway trail will be divided between Roanoke Parks and Recreation and Roanoke City Public Schools, with each maintaining portions of the trail on properties controlled by them; both will work in partnership with the Greater Raleigh Court Civic League and Pathfinders for Greenways to establish a volunteer base to perform basic maintenance tasks appropriate to volunteers; Roanoke Parks and Recreation will submit a supplemental budget request at the appropriate time for costs of other maintenance work estimated at \$10,000.00 - \$15,000.00 per year; the Civic League has stated its eagerness to begin construction of the greenway trail immediately and to complete Phase One in the Spring of 2001; and the Raleigh Court Civic League has agreed to the terms of as set forth in the proposed permit.

The City Manager recommended that Council accept donations of labor and materials offered by the Greater Raleigh Court Civic League, and that she be authorized to execute a permit, to be approved as to form by the City Attorney, that will allow the Raleigh Court Civic League to construct the greenway trail and amenities.

Mr. Carder offered the following resolution:

(#35173-121800) A RESOLUTION accepting the donation to the City of Roanoke from the Greater Raleigh Court Civic League of labor and materials for construction of Phase I of the greenway trail in the Raleigh Court area, and authorizing execution of a permit to allow the Civic League to construct the greenway trail and amenities in that area.

(For full text of Resolution, see Resolution Book No. 64, page 62.)

Mr. Carder moved the adoption of Resolution No. 35173-121800. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-CMERP-CITY INFORMATION SYSTEMS-EQUIPMENT: The City Manager submitted a written report advising that based on a previous report dated October 2, 2000, Council approved a recommendation that \$1,101,205.00 of the Fiscal Year 1999-2000 General Fund balance designated for the Capital Maintenance and Equipment Replacement Program be allocated for technology needs; in addition, the Department of Technology, an Internal Service Fund, has retained earnings totaling \$870,000.00 that can be allocated for a total of \$1,971,205.00; the

Information Technology Committee has developed a list of priority projects and equipment needs that have been determined to be both critical and supportive of the long-range plan now under development; all items will be purchased in accordance with requirements as set forth in Chapter 23.1, Procurement, Code of the City of Roanoke (1979), as amended; and total funding request of \$1,971,205.00 is available as follows:

Current Year Capital Maintenance and Equipment Replacement -
\$1,101,205.00; and

Department of Technology, Prior Year Retained Earnings Account -
\$870,000.00.

The City Manager recommended that Council adopt an ordinance to appropriate funds to new or existing project accounts to be established by the Director of Finance to address high priority technology needs and enhancements of the City.

Mr. Harris offered the following emergency budget ordinance:

(#35174-121800) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General, Capital Projects and Department of Technology Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, page 63.)

Mr. Harris moved the adoption of Ordinance No. 35174-121800. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

BUDGET-HUMAN DEVELOPMENT-HOUSING/AUTHORITY-GRANTS-HOTEL
ROANOKE CONFERENCE CENTER-PARKING GARAGES: The Director of Finance submitted a written report advising that by agreement with the City of Roanoke, the Roanoke Redevelopment and Housing Authority administers a large segment of the City's Community Development Block Grant program; the Housing Authority receives program income during the course of its administration of various projects through the sale of land and the receipt of loan repayments from project area residents; the Housing Authority is required to transfer such program income to the

City of Roanoke, and the City is required to use the income for eligible community development activities.

It was further advised that the Housing Authority has made payments to the City, in the amount of \$74,476.00, from January 1, 2000 to November 30, 2000, in excess of revenue estimates previously adopted, and of this amount, \$12,593.00 resulted from the sale of property, \$40,705.00 in parking lot rental, and \$21,178.00 from various loan repayment programs; the City has received miscellaneous program income as follows and amounts represent the difference between what was actually received and the amount that was previously adopted based on repayment estimates.

\$260,728.00 from Hotel Roanoke, L.L.C., for loan repayment and interest on the \$6,000,000.00 Section 108 loan from the U. S. Department of Housing and Urban Development. During fiscal year 2001, Hotel Roanoke, L.L.C., made payment totaling \$500,728.00, of which \$138,166.00 was principal and \$362,562.00 was interest; and

\$13,293.00 in various loan repayments, \$4,769.00 in demolitions revenue and \$497.00 in mini-grant refunds; the amount received in fiscal year 2000 from the Williamson Road Parking Garage was \$13,280.00 less than anticipated; thus, the corresponding revenue budget needs to be decreased by \$13,280.00.

The Director of Finance recommended that Council appropriate \$340,483.00 in unanticipated CDBG program income as follows:

Unprogrammed CDBG - RRHA - FY00	(035-G00-0040-5197)	\$45,219.00
Unprogrammed CDBG - Section 108 Loan Repayment - FY01	(035-G01-0140-5188)	260,728.00
Unprogrammed CDBG - Other - FY01	(035-G01-0140-5189)	6,416.00
Unprogrammed CDBG - RRHA - FY01	(035-G01-0140-5197)	28,120.00

The amounts being appropriated to unprogrammed accounts will be available for future appropriation for eligible community development purposes.

The Director of Finance stated that the Housing Authority also administers a segment of the City's HOME program; assistance provided by the Housing Authority is predominantly in the form of low- or no-interest active and deferred loans to eligible homeowners and homebuyers; loan repayments constitute program income

to the City's HOME program; and as of November 30, 2000, loan repayments received in excess of the budget estimate equal \$40,040.00.

The Director of Finance recommended that Council appropriate \$11,435.00 to Unprogrammed HOME - Fiscal Year 2000, Account No. 035-090-5322-5320 and \$28,605.00 to the Unprogrammed HOME - Fiscal Year 2001, Account No. 035-090-5323-5320, which will be available for future appropriation for eligible HOME activities.

Mr. Harris offered the following emergency budget ordinance:

(#35175-121800) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, page 66.)

Mr. Harris moved the adoption of Ordinance No. 35175-121800. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

AUDITS/FINANCIAL REPORTS-PENSIONS: The Director of Finance submitted a written report transmitting the Comprehensive Annual Financial Report for the City of Roanoke and the City of Roanoke Pension Plan for the year ended June 30, 2000.

Without objection by Council, the Mayor advised that the reports would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

COMMITTEES: Council Member Bestpitch inquired about the status of vacancies on certain Council-appointed authorities, boards, commissions and committees; whereupon, the Mayor advised that he will present a proposal at the meeting on Tuesday, January 2, 2001, for the Council's consideration.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:

The Mayor advised that Council sets this time as a priority for citizens to be heard and it is a time for Council to listen; and matters requiring referral to the City Manager will be referred, immediately, for any necessary and appropriate response, recommendation or report to Council.

TRAFFIC-NEIGHBORHOOD ORGANIZATIONS: V. Lee Wolfe, President, Gainsboro Neighborhood Alliance, 206 Rutherford Court, N. W., expressed disappointment that Council has endorsed the I-73 project. She advised that the City already has an Interstate, which, according to Council's reasoning, is an important element to the City's economic future; surrounding local governments have taken positions against their western and eastern options; I-581 has caused blight, as well as a separation of southeast neighborhoods from the City of Roanoke; further infringement on the community is not desirable; and I-73 will destroy Roanoke City along I-581.

Ms. Wolfe called attention to the fact that Council has not responded to questions and/or concerns that were raised in July and August 2000, nor has Council met with the Presidents Council to discuss various concerns. She stated that hundreds of citizens have registered opposition with the Virginia Department of Transportation and the Gainsboro Neighborhood Alliance is not in favor of further air, water or land pollution. She further stated that Council should manage plans to decongest traffic, not add to the traffic, to improve the physical appearance of the Roanoke Valley, to consider ways to deconstruct concrete pillars, asphalt and railings, and use the space for greenways, shrubs and tree plantings. She added that the function of government is to protect citizens, and perceived economic benefits should not take precedence over the public's health.

In closing, she requested that Council reconsider its endorsement and oppose I-73 along the I-581 route.

It was the consensus of Council that the remarks of Ms. Wolfe would be referred to the City Manager.

At 6:25 p.m., the Mayor declared the meeting in recess to be reconvened at 7:00 p.m.

On Monday, December 18, 2000, at 7:00 p.m., the Roanoke City Council reconvened in regular session in the Governor's School Lecture Hall, Patrick Henry High School, 2102 Grandin Road, S. W., City of Roanoke, with the following Council Members in attendance, Vice-Mayor Carder presiding.

PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, C. Nelson Harris, W. Alvin Hudson, Jr., and Vice-Mayor William H. Carder-----5.

ABSENT: Council Member William White, Sr., and Mayor Ralph K. Smith-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; James D. Ritchie, Sr., Assistant City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Carder.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 18, 2000, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Bernard W. Abbott that a certain section of Edge Hill Avenue, S. E., extending in a westerly direction from 19th Street, for an approximate distance of 210 feet to the intersection with 18th Street, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, December 1, 2000, and Friday, December 8, 2000.

A report of the City Planning Commission advising that the applicant owns and occupies the premises at 420 18th Street, S. E., and both parcels of land abut upon the southerly side of the above described section of Edge Hill Avenue, S. E.; City-owned public property, Fallon Park, abuts the northerly side of the subject section of Edge Hill Avenue; and the petitioner states that the land within the subject right-of-way has been maintained, i.e., mowed, kept clean, etc., by his family for two generations (50 years or more), was before Council.

The City Planning Commission recommended that Council approve the request to close and permanently vacate the above described section of Edge Hill Avenue, S. E., subject to certain conditions as more fully set forth in the report.

Mr. Harris moved that the following ordinance be placed upon its first reading:

(#35176) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter.

(For full text of Ordinance, see Ordinance Book No. 64, page 68.)

The motion was seconded by Mr. Bestpitch.

Bernard W. Abbott, Petitioner, appeared before Council in support of his request.

The Vice-Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35176 was adopted, on its first reading, by the following vote:

AYES: Council Members Harris, Hudson, Wyatt, Bestpitch, and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith and Council Member White were absent.)

Without objection by Council, the Vice-Mayor advised that the public hearing would be closed.

CITY CODE-ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 18, 2000, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke, to consider an amendment to Division 5, Special District Regulations, Article III, District Regulations, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to include a subdivision entitled Subdivision H, INPUD, Institutional Planned Unit Development District, and to amend and reordain Section 36.1-562, Standards, Division 12, Group Care Facilities, Article IV, Supplementary Regulations, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for a new institutional planned unit development district, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, December 1, 2000, and Friday, December 8, 2000.

The Vice-Mayor inquired if there were persons in attendance who would like to speak to the matter. No person asked to be heard.

It was the consensus of Council to refer the matter back to the City Planning Commission for further study, report and recommendation to Council.

EASEMENTS-CABLE TELEVISION-WATER RESOURCES-STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 18, 2000, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke, to grant an easement across City-owned property located at 5th Street and Luck Avenue, S. W., to Cox Communications, Inc., to install, operate and maintain a concrete pad and electronics cabinet, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, December 10, 2000.

A report of the Water Resources Committee advising that Cox Communications, Inc., has requested an easement to locate an electrical equipment cabinet on City-owned property located at 5th Street and Luck Avenue, S. W., which will permit installation of a concrete pad and an electronics cabinet, approximately 32" x 26" x 72" high, was before Council.

Mr. Harris moved that the following ordinance be placed upon its first reading:

(#35177) AN ORDINANCE authorizing the granting of an easement across City-owned property located at 5th Street and Luck Avenue, S. W., to Cox Communications, Inc., for installation of a concrete pad and electrical equipment cabinet to provide telecom circuit protection, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 64, page 70.)

The motion was seconded by Mr. Bestpitch.

The Vice-Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35177 was adopted, on its first reading, by the following vote:

AYES: Council Members Harris, Hudson, Wyatt, Bestpitch and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith and Council Member White were absent.)

With objection by Council, the Vice-Mayor advised that the public hearing would be closed.

EASEMENTS-CITY PROPERTY-TELEPHONE COMPANIES-EQUIPMENT-SCHOOLS-WATER RESOURCES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 18, 2000, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to grant a 15-foot easement across City-owned property to Verizon for installation of underground facilities to upgrade telephone service to Lincoln Terrace Elementary School, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, December 10, 2000.

A report of the Water Resources Committee advising that Verizon has requested a 15-foot easement across the Lincoln Terrace Elementary School property for installation of underground facilities to provide upgraded telephone service to the School; the Roanoke City School Administration has reviewed the proposed easement area, and on October 10, 2000, the School Board approved the easement and recommended that the Water Resources Committee grant the easement request, was before Council.

Mr. Harris moved that the following ordinance be placed upon its first reading:

(#35178) AN ORDINANCE authorizing the donation and conveyance of a 15-foot easement across City owned property known as the Lincoln Terrace Elementary School site to Verizon, for installation of underground facilities, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 64, page 71.)

The motion was seconded by Mr. Bestpitch.

The Vice-Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35178 was adopted, on its first reading, by the following vote:

AYES: Council Members Harris, Hudson, Wyatt, Bestpitch and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith and Council Member White were absent.)

Without objection by Council, the Vice-Mayor advised that the public hearing would be closed.

LICENSES-WATER RESOURCES-STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 18, 2000, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Ms. Mary Rappaport with regard to granting a revocable license to allow construction of a parking area encroaching approximately 25 feet into the public right-of-way of Peters Creek Road, N. W., the matter was before Council.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, December 10, 2000.

A report of the Water Resources Committee advising that the property owner of 1313 Peters Creek Road, N. W., has requested permission to install an asphalt parking area in the front yard of the existing structure; the proposed parking area will encroach approximately 25 feet into the right-of-way of Peters Creek Road; the property owner has requested a revocable license to allow the parking area to be constructed in the right-of-way; and the parking area would be consistent with parking areas on the two adjacent properties, was before Council.

Mr. Bestpitch moved that the following ordinance be placed upon its first reading:

(#35179) AN ORDINANCE granting a revocable license to permit the construction and encroachment of a paved parking area 25 feet into the public right-of-way in front of the property located at 1313 Peters Creek Road, N. W., and bearing Official Tax No. 2770604, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 64, page 72.)

The motion was seconded by Mr. Harris.

Mary Rappaport, Petitioner, appeared before Council in support of the request.

The Vice-Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35179 was adopted, on its first reading, by the following vote:

AYES: Council Members Harris, Hudson, Wyatt, Bestpitch and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith and Council Member White were absent.)

Without objection by Council, the Vice-Mayor advised that the public hearing would be closed.

LEASES-WATER RESOURCES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 18, 2000, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to lease a 12.17-acre tract of City-owned property located along Back Creek in Roanoke County and identified by Roanoke County Tax No. 089.00-03-36.00-0000 for agricultural purposes, to Ms. Sandra Rouse for a term of five years, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, December 10, 2000.

A report of the Water Resources Committee advising that several properties along Back Creek in Roanoke County were acquired in the late 1970's to enable future development of a reservoir; there are no immediate plans to develop the reservoir and the property is currently vacant; and Ms. Sandra Rouse, an adjacent property owner of one of the parcels of land containing 12.17 acres, has requested an agricultural lease to provide pasture for horses, was before Council.

It was further advised that grazing on the tract will serve the primary purpose of keeping the land cleared and eliminating the need for City forces to provide maintenance; lease rate for agricultural property is \$10.00 per acre, per year, which will yield an annual revenue of \$121.70; lessees will be required to erect and maintain fencing as necessary, removal of the fence at the City's request upon termination of the lease, and assume all liability for damage to and by their actions or actions of their livestock, machinery, equipment, employees, and guests.

Mr. Harris moved that the following ordinance be placed upon its first reading:

(#35180) AN ORDINANCE authorizing the proper City officials to enter into a lease agreement between the City and Sandra Rouse, for use of a 12.17-acre tract of land for agricultural purposes, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 64, page 74.)

The motion was seconded by Mr. Bestpitch.

The Vice-Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35180 was adopted, on its first reading, by the following vote:

AYES: Council Members Harris, Hudson, Wyatt, Bestpitch and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith and Council Member White were absent.)

Without objection by Council, the Vice-Mayor advised that the public hearing would be closed.

There being no further business, the Vice-Mayor declared the meeting adjourned at 7:20 p.m.

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

June 2, 2003

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, June 2, 2003, at 9:00 a.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended; and pursuant to Resolution No. 36193-010603 adopted on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith -----4.

ABSENT: Council Members Alfred T. Dowe, Jr., Linda F. Wyatt and Vice-Mayor C. Nelson Harris-----3.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Dowe and Wyatt were not present when the vote was recorded.) (Vice-Mayor Harris was absent.)

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711(A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Dowe and Wyatt were not present when the vote was recorded.) (Vice-Mayor Harris was absent.)

At 9:05 a.m., the Mayor declared the meeting in recess.

The Council meeting reconvened at 9:10 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Vice-Mayor Harris.

ITEMS LISTED ON THE 2:00 P.M., COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:

Mr. Bestpitch inquired about agenda item 6.b.2., which is a report of the Director of Finance recommending authorization for refunding Series 1994 and 1999 General Obligation Bonds. The Director of Finance responded that certain firms in the Commonwealth of Virginia serve as both financial advisors and bond underwriters, and it has been suggested that it would be in the City's best interest to refund the bonds through local sale if possible, and local companies will have an opportunity to purchase the bonds from the underwriter.

Mr. Cutler referred to agenda item 5.a.4., in connection with a revision to the City Code regarding false fire alarms, and inquired as to how the matter is addressed by other localities outside of the Roanoke Valley.

The City Manager advised that it is standard procedure for urban communities to require registration, as well as fines for multiple alarms. She called attention to the amount of time spent by City staff responding to a false alarm and the number of hours involved in manning a location until a responsible agent of the owner arrives on the scene to reset the alarm, or to take responsibility, which is also time that fire companies and police officers are not available to respond to other kinds of activity. She stated that it is intended to engage in an exhaustive education process, through significant public advertisements, and the recommendation represents another way to better manage existing City resources.

The Mayor inquired as to how much additional revenue will be generated to the City as a result of the registration fee, and if there should be an offsetting reduction to affected parties; whereupon, the City Manager advised that the fine is recommended with the goal of encouraging persons to maintain their alarm systems, in order to prevent multiple false alarms in any given year; and since the program is not recommended to be implemented until January, 2004, revenues from registration fees and service charges were not included as a component to balancing the fiscal year 2004 budget. She stated that it is anticipated that there will be a better understanding of funds to be generated in fiscal year 2005.

Mr. Fitzpatrick called attention to the number of fire calls from Carilion Roanoke Memorial Hospital, and taking into consideration the amount of manpower expense on the City's part, the City Manager's recommendation is a minimum of what should be done, because there should be responsibility on both sides. He called attention to the value of E-911, because prior to installation, at least 50 per cent of persons reporting emergency situations provided an incorrect address, therefore, 911 has decreased the City's costs.

Mr. Bestpitch spoke in support of tracking the number of false alarms after January 1, 2004, so that the City will know if it is dealing with a fairly widespread problem, or a small number of people who tend to pay the fee and continue to create the same problems. In that context, he referred to parking ticket violations and those persons who are repeated offenders, and inquired if there is a way to increase fines following receipt of a certain number of parking tickets on the basis of a graduated scale.

The City Manager advised that the parking ticket violations issue has been discussed; however, computerized access to previous violation information will be necessary. She stated that the goal is to acquire hand held ticket writing systems that will provide information on prior violations, with the capability of giving a warning for the first incident and multiple violations would invoke higher fines. She stated that another idea under consideration is to “boot” the vehicle after a certain number of unpaid parking violations so that the vehicle could not be moved until outstanding parking tickets are paid. She explained that various ideas are under consideration by City staff in an effort to be both more user friendly to the casual visitor to the downtown area, while sending a clear message to those persons who receive citations on a regular basis. She advised that a system should be implemented within the current calendar year, specifications have been drafted, and systems currently exist in a number of other localities.

Mr. Cutler inquired if Council Members have questions in regard to agenda item 5.b.; i.e.: support of rail alternatives to complement planned improvements to I-81; whereupon, the Mayor expressed concern with regard to any derailment of improvements to the I-73 corridor.

The City Manager advised that recent information suggests that the Virginia Department of Transportation is beginning to redirect certain funding from I-73 to improvements on Route 220, which have been identified by VDOT as necessary improvements to certain dangerous sections of Route 220 that create grave concerns, and will continue to create problems and concerns for local traffic, regardless of what may or may not happen at some point in the future for the I-73 corridor. She stated that it may not be correct to say that improvements to I-73 have been derailed through the process, and those persons who live on and travel Route 220 on a regular basis may benefit in the not too distant future.

Mr. Cutler, Council’s liaison to the Roanoke Arts Commission, requested clarification with regard to the master plan for local arts and cultural organizations which could be funded through either a tax earmarked for an arts or cultural district, or refund of a portion of the admissions tax. He also referred to discussions regarding a public art plan as an addendum to the City’s Comprehensive Plan to address planning and provision of public art for the City of Roanoke.

The City Manager advised that when Council met with the Roanoke Arts Commission approximately one year ago, the Chairman and others stated that the Arts Commission would like to produce an arts plan that would become a part of the City’s Comprehensive Plan; however, at that time, the Arts Commission made no request for funding from the City. She stated that the Arts Commission should present specific proposals with regard to both plans to the Council for consideration.

Mr. Fitzpatrick spoke in regard to an arts district which could be voted on as a referendum issue by the citizens to determine if they want State funding to be used for arts and cultural purposes.

The City Manager responded that because the City of Roanoke is the urban center of the region, it provides not only the arts and cultural attractions, but oftentimes, has the burden of supporting those attractions that benefit the entire community. She stated that the issue should become a regional agenda item, and not solely a City of Roanoke agenda item, especially in view of challenges over the past several years with State budget reductions. She added that when reviewing the City's contributions, versus neighboring jurisdictions to cultural activities, it is unfair for the issue to be initiated at the City Council level, and suggested that Council Members encourage their Roanoke Valley counterparts at regional meetings to discuss the issue.

BRIEFINGS:

City Market Handbook:

CITY MARKET HANDBOOK AND ORDINANCE: David Diaz, President, Downtown Roanoke, Inc. , introduced Helen Butler, Chair, Downtown Roanoke, Inc.; Dennis Traubert, member of the Rules Committee; Mark Woods, a market vendor and Chair of the Rules Committee and a fifth generation farmer on the Farmer's Market; and Larry Black, Market Manager.

Mr. Diaz advised that Roanoke's City Market is special, not only because it is located in the heart of downtown Roanoke, but also because of the variety of goods that are sold on the market. He stated that Market challenges include the ability to recruit new vendors, outdated management tools which will be addressed in a proposed ordinance; and a need to improve communication with vendors, with the challenge of retaining current vendors, while increasing the number of permanent vendors and attracting new vendors. In order to address challenges, he stated that meetings were held with vendors to obtain their input, a new Market Manager was hired, and a Rules Committee was appointed which is composed of diverse members with various perspectives; the Rules Committee approved a draft handbook and ordinance on April 15, 2003, which was mailed to all Market vendors for comment, and the draft handbook was approved by the Executive Committee on May 5 and the DRI Board on May 13, 2003. He highlighted proposed changes, i.e.: a change in market boundaries by establishing the boundary at Jefferson Street; a change in operating hours from mandatory to permissible, which will give the City Manager

more discretion and the power to change operating hours based on when vendors are actually on the Market which is generally from 8 a.m. to 5 p.m.; the importance of attendance by vendors is stressed; authorizes the City Manager to promulgate rules and regulations; implementation of shared permits by market vendors; establishment of guidelines for artisans which is intended to attract vendors that sell quality crafts; a new parking policy for vendors; and revised fees that will require approval by Council.

Ms. Wyatt called attention to the need to provide some type of incentive for the small farmer to sell excess vegetables, etc., on the City Market on a regular basis. She stated that sales by farmers are different from craft sales because the farmer is dealing with perishable or seasonal items, as opposed to the crafts person who can sell his or her wares on any given day.

Dr. Cutler raised a question with regard to coordinating relationships with the Roanoke Valley Convention and Visitors Bureau (RVCVB), the City Market Building, outdoor dining, Event Zone, Local Colors and arts shows, etc.; whereupon, Mr. Diaz advised that information about the City Market is included in the RVCVB Downtown Visitor's Guide; Downtown Roanoke, Inc., is represented on the Market Building Task Force; and the City provides DRI with copies of Assembly Permits issued to Event Zone and other organizations.

Dr. Cutler inquired if efforts have been made to recruit local vineyards to sell grapes and non-alcoholic wines, etc., on the City Market; the number of minority vendors currently operating on the City Market; and efforts if any, to protect prime farm land and orchard land in surrounding localities.

Mr. Dowe inquired if trends have been reviewed that might indicate that there is a decrease in farming which, would also indicate a decrease in market usage. Mr. Diaz responded that a strength of Roanoke's Market is that it provides a regional draw.

Mr. Cutler called attention to previous remarks of Mr. Mark Woods, a long time market vendor, that the number of orchards in his locality has decreased from 13 to two, and stated that an appropriate entity should work with the two orchard owners to help keep them in business through a type of conservation easement that provides for either a payment, or a tax benefit, which will, over the long term, benefit Roanoke's City Market.

Mr. Diaz responded that from a regional perspective, extension agents from Virginia Tech serve as liaison between food, government and individual farmers, and Virginia Tech Extension Agents would be a good ally to work at the City and the County levels to raise discussion among affected parties and the Western Virginia Land Trust.

The City Manager advised that a proposed ordinance will be included on Council's June 16, 2003 agenda for consideration.

Zoning Ordinance Update:

The City Manager advised that considerable staff time has been and will be spent on a Zoning Ordinance update; and on a monthly basis, City staff will provide updates to enable Council to identify those areas that require significant time with staff prior to the public hearing on the Zoning Ordinance revisions.

Brian Townsend, Director of Planning, Building and Development, advised that a 20 person Zoning Ordinance Steering Committee was appointed to address preliminary work leading up to the draft of the new Zoning Ordinance. He reviewed the following draft sections that have been reviewed and discussed by the Steering Committee, with examples of new regulatory concepts being considered and evaluated.

Introduction: Purpose, Applicability, Consistency with Comprehensive Plan, Rules of Construction, Severability

- * Exemption of public utilities and railroad facilities**

Zoning District Base Regulations

- * Establishment of four rather than three single-family residential districts, based on minimum lot sizes of 12,000, 7,000, 5,000 and 3,000 square feet**
- * Establishment of a "Large Site Commercial District"**
- * Creation of overlay districts for the Blue Ridge Parkway Corridor and Environmentally Sensitive Lands**

Regulations for Specific Zoning Districts

- * Development of a user-friendly Use Matrix**
- * Impact of churches permitted by right in residential districts**
- * Regulation of commercial surface parking lots in Downtown District**
- * Dimensional regulations that provide for:**

Minimum and maximum front setbacks, including maximum front setbacks that preclude parking in front of buildings in certain commercial districts. Elimination of minimum lot sizes in certain districts

Supplemental Use Regulations

- * Expanding requirements for cell towers including setbacks, height, co-location and type**
- * Encouraging home occupations while respecting the integrity of residential neighborhoods**

Procedures

- * A tiered approach to posting of signs as public notice of rezoning petitions**
- * Deletion of two-acre or contiguous requirement as condition of petition to rezone to certain districts**
- * Procedure for revocation of special exceptions granted by Board of Zoning Appeals**

Development Standards

- * Within the limits of State enabling legislation, develop regulations to address the height and shielding of outdoor lighting in each district to minimize light spillover to adjacent properties and rights-of-way**
- * Restriction of driveways in terms of width and coverage of front yard**
- * Requirements for surfacing of driveways (pervious and impervious surfaces)**
- * Special regulation of areas within a certain distance of the Roanoke River and its tributary streams to control water quality**
- * Landscaping**

Requirement of foundation planting as well as the landscaping of the perimeters of parking lots

Regulation of tree canopy in the interior of parking lots rather than a percentage of surface landscaped areas

Inclusion of an acceptable plant species list

Tree canopy preservation requirements

Increase of street tree requirements in front yards

Varying sizes of buffer yards, with provisions for larger buffer yards with all plantings or smaller buffer yards with a combination of screening and plantings

*** Parking**

Limiting impervious surfaces by establishing maximum parking ratios based on a percentage of the minimum number of spaces required

Nonconforming Uses

- * Restricting the expansion of nonconformities while recognizing the need for their repair and maintenance in order to avoid blighting situations and problems with lending institutions.**

Administrative Boards, Commissions and Officials

During the month of June 2003:

- * Steering Committee will discuss the following:
Definitions and Rules of Interpretation
Use Patterns
Signs
Method by which permitted sign surface area is calculated
Separating the calculation of freestanding and wall signage
Height considerations and types of signs permitted in each district**

Future Phases of the Project

- * Compilation of a Public Review Document and Map (July 2003)
Steering Committee review of all revised sections of zoning ordinance drafts as a "package"
Revisions and refinement of issues submitted to consultant for inclusion in public review document
Steering Committee review of zoning map**
- * Public Review and Public Input Phase (August-September 2003)
Public workshops throughout City**

- * Review of public review document by initial focus groups
 - Land use attorneys
 - Business interests; Real estate interests
 - Homebuilders/contractors, development sector
 - Signs
 - Neighborhood Leaders
 - City staff, government boards and commissions
 - Preparation of public hearing document (October 2003)
 - Steering Committee review of public comment and input
 - Determination of revisions to public review document
 - Preparation of public hearing document (October 2003)

- * Public hearing and adoption phase (November - December, 2003)

Mr. Townsend addressed the issue of limiting the proliferation of surface parking lots in downtown Roanoke, or more stringent development standards. He stated that the Steering Committee has discussed the issue of commercial parking lots in downtown that are not associated with specific buildings, whether such construction would require a special exception, whether construction would be permitted and if so, specific design standards.

Ms. Wyatt expressed concern with regard to the condition of certain existing downtown parking lots, and inquired if they could be addressed through more stringent development guidelines.

Mr. Townsend responded that current parking lots will be grandfathered and will not be affected by proposed guidelines; however, as parking lots are redeveloped, they will be governed by a set of standards that address paving and landscaping.

Council Members Wyatt and Dowe discussed the issue of parking lots that are over built and the need for minimum surface parking; however, they pointed out that if the amount of surface parking is extremely limited, there could be an impact on economic development. They inquired if the matter has been taken into consideration by the Steering Committee and if input has been invited by local realtors.

Mr. Townsend responded that the Steering Committee is composed of representatives from economic development points of view, architects and engineers, etc., and various proposals are currently under consideration.

With regard to zoning-based district regulations and creation of overlay districts, Mr. Cutler advised that at some time in the future, it would be advantageous to have a map illustrating the location of all drainages, creeks , rivers, etc.

Mr. Fitzpatrick inquired about the status of using utility poles for City signage purposes; whereupon, Mr. Townsend advised that signs in public rights-of-way are addressed under operational policies of the Public Works Department.

Dr. Cutler inquired if a reference will be made to underground utility lines in the zoning ordinance update; whereupon, Mr. Townsend advised that the matter also falls under activities within public rights-of-way, which would be outside of the purview of the Zoning Ordinance, and is addressed under right-of-way management issues.

Mr. Townsend advised that zoning maps are currently updated manually and the Zoning Ordinance revision will be used as an opportunity to convert all hand zoning maps to the GIS system; therefore, by the time the new zoning ordinance is adopted, the City will have a computerized zoning layer that will be administered by the City Planning Department. He stated that the process will allow for more accuracy and during the public hearing phase, provide the ability to more quickly make adjustments to zoning boundaries.

Mr. Cutler advised that he would like to serve on the Zoning Ordinance Subcommittee to replace former Council Member William H. Carder

The City Manager advised that Council Members will receive a hands on demonstration in July, 2003, with regard to accessing the GIS system using personal laptop computers.

When the Zoning Ordinance update is completed, Ms. Wyatt suggested that the occasion be celebrated through special recognition of all persons who were involved in the process.

Mr. Dowe suggested that the Steering Committee review the impact of cell towers.

There was discussion with regard to the regulation of semi trailers, detached from the wheels, which are used by restaurants and commercial establishments for the supplemental storage of non-perishable items.

The City Manager called attention to the importance of revisiting the Comprehensive Plan, the Zoning Ordinance and the Zoning Map every five years, as opposed to every 15-17 years, and to bring other matters to the attention of Council as they arise so as to act in a proactive manner, as opposed to waiting until an incident happens in the community and then engaging in damage control.

With regard to the towing ordinance, which was the subject of a Council public hearing on May 19, 2003, the City Manager advised that the matter will be heard by the City Planning Commission at an upcoming meeting, with further report and recommendation to the Council.

Mr. Townsend advised that a public meeting will be held on Wednesday, June 4, the matter will be considered by the City Planning Commission at its regular meeting on June 19, 2003, with the goal of reporting back to the Council in July.

The Council meeting was declared in recess at 11:35 a.m., for lunch, to be followed by a meeting of the Audit Committee.

The Council meeting reconvened at 1:00 p.m. in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for a continuation of the 9:00 a.m., work session. All Members of the Council were present, except Vice-Mayor Harris, Mayor Smith presiding.

Fair Housing Ordinance:

The Assistant City Manager for Community Development advised that on May 5, 2003, Council received an update on the State's new Fair Housing Ordinance and efforts by City staff to work with the Fair Housing Board to update the City's Fair Housing Ordinance. She highlighted portions of a draft ordinance that will be reviewed by the Fair Housing Board at its next meeting, which will be submitted to Council at a later date for consideration and approval.

Ms. Russell reviewed provisions of the proposed measure with regard to composition of the Fair Housing Board; responsibilities of the Board; and responsibilities of the Secretary acting in a conciliation function.

Refinancing Section 108 Loan:

The Director of Finance advised that:

In March 1994, the City borrowed \$6.0 million at six per cent for 20 years under the HUD Section 108 program;

The City utilizes CDBG funds to make annual payments to HUD to repay the loan, the principal balance of which is presently \$4.1 million.

Funds were loaned by the City to Hotel Roanoke, LLC, through the Roanoke Redevelopment and Housing Authority, to help finance the \$27.5 million rehabilitation and restoration of The Hotel Roanoke.

In accordance with the loan agreement, Hotel Roanoke, LLC, makes annual loan repayments to the City to the extent that funds are available; loan repayments from the HRLLC are treated as CDBG program income.

Unpaid amounts accumulate, along with future annual loan payments; at present, unpaid principal and interest from prior years total more than \$1.1 million.

On August 1, 2003, the Section 108 Loan becomes eligible for refinancing, interest savings ranging from \$850,000.00 to \$900,000.00 are expected over the ten year remaining life of the loan.

Lower rates will benefit the HRLLC by decreasing future payment requirements, thereby allowing HRLLC to potentially repay unpaid prior amounts sooner. Thus, annual CDBG program income should increase until cumulative amounts are paid in full.

During a discussion, the City Manager explained that in view of the Friday, May 30, 2003, deadline established by HUD, a Notification of Intent of Interest in Refinancing was executed, in anticipation of approval by the Council.

The City Manager presented an information document with reference to Victory Stadium issues in response to statements made by Citizens for a Sensible Stadium Decision.

The City Manager advised that the two doors to the Municipal Building, adjacent to the Council's parking lot on Second Street, could be marked as handicapped entrance for keyed access only, and inquired if Council Members would like to enter and exit the Municipal Building at the Second Street location, as opposed to the second floor lobby entrance. She stated that alarms will be installed on Municipal Building doors to alert staff in the immediate vicinity when a door that is not identified for ingress and egress is accessed.

The City Manager advised that she was in receipt of a written request by Fiddle Fest for a \$25,000.00 contribution from the City of Roanoke, which is a significantly higher amount than the City has contributed to any organization for an annual or one time event, other than the Virginia Commonwealth Games. She stated that in-kind support and donated services to be provided by City staff will be calculated, and input by the Council is requested.

Question was raised as to the relationship of Fiddle Fest with Event Zone; whereupon, the City Manager advised that there is no relationship at this point, although representatives of Fiddle Fest have been encouraged to contact the Executive Director of Event Zone.

With the establishment of Event Zone, there was discussion as to whether the Special Events Committee should be dissolved; whereupon, it was the consensus of Council that the matter will be researched by City staff.

Following discussion with regard to the request of Fiddle Fest for a \$25,000.00 contribution by the City, the Mayor proposed that Council approve \$12,500.00.

There was discussion as to whether Fiddle Fest representatives have sought corporate sponsorships; whereupon, the City Manager referred to a communication from Fiddle Fest in which it is noted that they have received both cash contributions and in-kind contributions.

Mr. Cutler stated that before authorizing City funds, Fiddle Fest should provide a business plan, a budget, a list of anticipated expenses, sources of income, and information on any type of fund raising campaign initiated by the organization.

If the City authorizes a financial contribution to Fiddle Fest, some Council Members expressed concern as to the perception by organizations such as Local Colors, the Henry Street Festival and others that have held successful events over the years without financial assistance from the City, except in-kind contributions.

Council took no official action on the request of Fiddle Fest for a \$25,000.00 contribution from the City of Roanoke.

At 1:55 p.m., the Mayor declared the meeting in recess until 2:00 p.m.

At 2:00 p.m., on Monday, June 2, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Linda F. Wyatt and Mayor Ralph K. Smith -----6.

ABSENT: Vice-Mayor C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by Father Dean Nastos, Pastor, Holy Trinity Greek Orthodox Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENT:

ACTS OF ACKNOWLEDGMENT-WATER RESOURCES: Mary Terry, Executive Director, Southeast Rural Community Assistance Project, Inc., presented an award to the Mayor, on behalf of the City of Roanoke, in recognition of the City's efforts to provide safe drinking water to the citizens of Roanoke.

ACTS OF ACKNOWLEDGMENT-RAILSIDE LINEAR WALK: On behalf of the City of Roanoke, the Mayor advised that on May 22, 2003, he was honored to accept an Honorable Mention Award for Excellence in Architecture in design of the Railside Linear Park from the AIA Blue Ridge, American Institute of Architects.

ACTS OF ACKNOWLEDGMENT: The Mayor advised that on May 28, 2003, on behalf of the Members of Council, be presented a Shining Star Award to Sharon McGhee, 911 Dispatcher, in recognition of her assistance in connection with resuscitating a child in a potential drowning incident.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, December 4, 2000; Monday, April 21, 2003; the Leadership Summit held on Friday, April 11, 2003, and the City Council Personnel Committee held on Monday, April 21, 2003, were before the body.

Mr. Dowe moved that the reading of the minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

PURCHASE/SALE OF PROPERTY-EASEMENTS-INVITATIONS: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on proposed conveyance of property rights and encroachments into public right-of-way, was before Council.

The City Manager requested that a public hearing be advertised for the regular meeting of Council to be held on Monday, June 16, 2003, at 7:30 p.m., in connection with conveyance of City-owned property and encroachment into public right-of-way on Hamilton Terrace, S. E.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor was absent.)

TAXES: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on a request from the Lutheran Nursing Homes of Virginia LLC, a non-profit organization, for tax exemption of certain property in the City of Roanoke, was before Council.

The City Manager requested that Council authorize a public hearing to be advertised for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

TAXES: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on a request of the Virginia Lutheran Nursing Homes-Brandon Oaks LLC, a non-profit organization, for tax exemption of certain property in the City of Roanoke, was before Council.

The City Manager requested that Council authorize a public hearing to be advertised for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

TAXES: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on a request of the Presbyterian Community Center, Inc., a non-profit organization, for tax exemption of certain property in the City of Roanoke, was before Council.

The City Manager requested that a public hearing be advertised for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

TAXES: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on a request of the Blue Ridge Small Business Center, Inc., a non-profit organization, for tax exemption of certain property in the City of Roanoke, was before Council.

The City Manager requested that Council authorize a public hearing to be advertised for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-COMMITTEES-CITY COUNCIL: A report of qualification of Beverly T. Fitzpatrick, Jr., as a Member of the Council of the City of Roanoke, to fill the unexpired term of William H. Carder, resigned, ending June 30, 2004, was before the body.

Mr. Dowe moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE

PETITIONS AND COMMUNICATIONS:

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: A communication from Council Member William D. Bestpitch transmitting a measure recommending reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates (RNA), which sets forth the objectives, duties and responsibilities of the RNA, and repeals Resolution No. 25394, effective July 1, 2003, was before Council.

Mr. Bestpitch advised that the Roanoke Neighborhood Partnership, a public/private partnership including neighborhood, business, civic and human services agencies and the City government, has been actively involved in supporting community activities since 1980; the partnership has grown from the initial four neighborhood groups to an active membership of 32 neighborhoods and two business organizations; and the Partnership has evolved from its initial role of

supporting and developing organizations to providing technical assistance on a range of projects, such as creation of neighborhood development corporations, neighborhood watch programs, leadership training, grant writing, and self-sufficiency.

It was further advised that on December 17, 2001, Council concurred in the formation of an ad hoc study committee to review the design, role and responsibilities of the RNPSC; current RNPSC Chair, Carl Cooper, RNPSC members, Robin Murphy-Kelso and Paula Prince, Council Member Bestpitch and former Council Member Bill Carder served on the study committee, with staff support from Assistant City Manager, Rolanda Russell, and Roanoke Neighborhood Partnership Coordinator, Stephen Niamke; the Ad Hoc Study Committee held public hearings and met with the RNPSC to reach consensus on the proposed mission and goal of the reconstituted organization; the Ad Hoc Committee also worked with the City Attorney's Office to draft a proposed resolution; and the first task of the proposed Roanoke Neighborhood Advocates will be to develop a set of by-laws outlining its mode of governance and operating rules, which by laws are to be submitted to Council for endorsement no later than December 31, 2003, and thereafter be made available to interested neighborhood organizations and the general public.

Mr. Bestpitch offered the following resolution:

"A RESOLUTION providing for the reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates (RNA), stating the objectives, duties and responsibilities of the RNA, and repealing Resolution No. 25394, effective July 1, 2003."

The motion was seconded by Ms. Wyatt.

Mr. Bestpitch advised that even though activities of the Roanoke Neighborhood Partnership have evolved considerably over more than 20 years, appropriate direction from the Council and authority to address certain issues has not been established; therefore, the Council concurred in the formation of the Ad Hoc Study Committee in December 2001. He explained that the study process consisted of two public hearings which included input from a number of neighborhood leaders; and the steering committee held a weekend retreat at which time it took input from the community and developed recommendations for the Ad Hoc Steering Committee. He further advised that the Ad Hoc Committee relied on input that was received at the public meetings from neighborhood leaders and recommendations from current membership of the steering committee, and agreed to present a resolution to Council outlining many of those things that neighborhood organizations want to do and have

been doing in terms of duties and responsibilities. He explained that the major recommended change is to reduce membership of the steering committee from 30 to a more manageable number of 13 members, seven of whom will be appointed by the Council, with the remaining six to be chosen by the seven members that Council appoints to what will be known as the Roanoke Neighborhood Advocate (RNA).

Ms. Estelle McCadden, 2128 Mercer Avenue, N. W., expressed concern that neighborhood leaders were not involved in the process. She stated that the Roanoke Neighborhood Partnership Steering Committee was established to work for neighborhood organizations, and for the betterment of the City of Roanoke; however, its goal has not been achieved for a number of years. She further stated that neighborhood leaders should have been briefed on the proposed resolution prior to its submittal to the Council for approval. Therefore, she requested that action on the resolution be deferred to provide time for briefings and input by Roanoke's neighborhood organizations.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., concurred in the remarks of Ms. McCadden. She stated that once again it appears that items are brought before the Council without explanation to those persons who are directly affected. Therefore, she asked that Council delay its vote on the proposed resolution until those persons who are directly involved have been given an opportunity to discuss the recommendation of the Ad Hoc Committee. In appointing the proposed Roanoke Neighborhood Advocates, she asked that Council give specific consideration to the method of appointment; i.e.: Council will appoint seven members and the committee will appoint only six.

In clarification, Mr. Bestpitch stated that the resolution does not create roles and responsibilities of individual neighborhood organizations, since neighborhood organizations operate independently; and there is no chain of command between the Presidents Council and the City of Roanoke, since the Presidents Council functions independently of the City of Roanoke, with a type of informal network or coalition of representatives. He stated that City staff has attended and provided technical assistance at a number of Presidents Council meetings; and a number of persons attend steering committee meetings and meetings of the Presidents Council on a regular basis, therefore, ample opportunities have been provided for information sharing provided. He advised that the content of the proposed resolution includes those recommendations that were received during the public input process by neighborhood leaders.

Ms. Wyatt advised that it was her understanding that the Presidents Council was initially established primarily because the Roanoke Neighborhood Partnership Steering Committee had become rather large in number and to ensure that the same information was disseminated to all neighborhood groups. She added that although there may not be a formal relationship between the City of Roanoke and the Presidents Council, a relationship has existed over the past several years that has been beneficial to both the City of Roanoke and to the various neighborhood organizations.

Mr. Dowe advised that the Roanoke Neighborhood Partnership Steering Committee served as the one accountability that neighborhoods had to the City of Roanoke and, in some respects, the one accountability that the City had to the neighborhoods; and the importance of the organization increased to the point that it was necessary to create the Presidents Council, because of not only the size of the Neighborhood Partnership Steering Committee, but to increase accountability. He stated that since the Ad Hoc Steering Committee process has been ongoing for approximately 18 months, it would be appropriate to make a concerted effort to include the Presidents Council; from a proactive standpoint, including as many stakeholders as possible will not do harm to the process, and allowing the proposed Roanoke Neighborhood Advocates to select six of its members will provide more leverage from the side of the neighborhoods.

Mr. Dowe offered a substitute motion that action on the resolution be tabled for 30 days to provide time for input by the Presidents Council/neighborhood leaders. The motion was seconded by Ms. Wyatt and adopted, Council Member Bestpitch and Mayor Smith voted no.

STATE HIGHWAYS-RAIL SERVICE: A communication from Council Members William D. Bestpitch and M. Rupert Cutler advising that at the Council meeting on Monday, March 17, 2003, Star Solutions and Fluor addressed Council with regard to Interstate 81, and proposals were submitted to the Virginia Department of Transportation to expand the number of lanes and other appurtenances on I-81, was before Council. It was noted that minimal rail freight proposals included in the Star Solutions and Fluor Public Private Partnership Act proposals do not adequately address rail freight potential in the whole I-81 corridor.

Council Members Bestpitch and Cutler recommended that Council adopt a resolution petitioning the development and promotion of rail freight and passenger service parallel to I-81, to complement limited highway-widening and to move a large volume of the long-distance freight traffic from trucks on I-81 to freight trains on dual track, high-speed rails parallel to I-81.

Mr. Cutler offered the following resolution:

(#36352-060203) A RESOLUTION supporting rail alternatives to complement planned improvements to I-81.

(For full text of Resolution, see Resolution Book No. 97, page 322.)

Mr. Cutler moved the adoption of Resolution No. 36352-060203. The motion was seconded by Mr. Bestpitch.

Mr. Robert B. Manetta, 2831 Stephenson Avenue, S. W., advised that the last time the United States made a significant change in its transportation policy involving freight was development of the interstate system in the 1950's, which policy has been in effect for approximately 50 years. He further advised that Congressman Don Young, Chair, House Transportation Infrastructure Committee, is a proponent of "toll truck ways", which proposes long distance inner-city toll truck lanes that would be added to existing interstates and involve separating trucks with separate exits, and concrete barriers. He added that when combined, the combination vehicles would weigh approximately 80,000 pounds each, as compared to the standard truck trailer combination of about 26,000 pounds.

Mr. Manetta quoted from a May 5, 2003, Roll Call article, in which Congressman Young stated, "I have released one pilot project where we have exclusive right-of-way for trucks, but it has to be a toll road to help pay for it. The first one I want to do is in Virginia, it is close enough to where the rest of my Congressional friends can see it, and once they see it, they will mandate it across this Country". He stated that Congressman Young has pledged \$1 billion, which was earmarked to fund the first Truck Toll Way pilot project in Virginia; however, an alternative to the proposal is proposed by a group known as the American Association of State Highways and Transportation Officials (AASHTO), which acknowledges that the highway system is increasingly congested, domestic freight tonnage will increase 57 per cent by the year 2020, and import/export tonnage will increase by almost 100 per cent. He further stated that social, economic and environmental costs of adding new highway capacity are prohibitively high in many areas; while the current market driven evolution of the freight rail system in the U. S. can accommodate some of the forecasted freight growth, it will relieve little of the forecasted congestion on the highway systems; and there is a need for a level of investment that is greater than the railway systems are capable of funding on their own, which is approximately \$4 billion a year in improvements. He noted that AASHTO asserts that over a 20 year period, an aggressive investment would require

public investments of over \$4 billion a year, would save shippers \$401 billion, highway users \$635 billion, and highway costs of \$27 billion; and providing for increased levels of investment and realizing the public benefits of a stronger freight rail system at a national level will require new partnerships among railroads, states and the Federal Government. He stated that the Commonwealth of Virginia has the opportunity along Interstate 81 to implement a new transportation policy that takes a new step through advanced technologies that will provide faster tracks and newer technologies. He advised that the question is: is it more advantageous to have a system that is based on rail or a system based on large trucks. He lended his support to the proposed resolution requesting that the Governor strongly consider a rail component to the I-81 solution.

Resolution No. 36352-060203 was adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-CIRCUIT COURT-GRANTS: A communication from Arthur B. Crush, III, Clerk of Circuit Court, advising that the Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments, which include Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, Law, Chancery, and Criminal Orders; all of which must be maintained and be available to the public, was before Council.

It was further advised that the Virginia Circuit Court Records Preservation Program of the Library of Virginia has awarded the City of Roanoke Circuit Court Clerk's Office a grant to provide a Digital Closed Circuit TV Monitoring and Recording System; and the system is a much needed addition to continuing efforts of the office to provide the maximum protection possible, not only for records (most of which are to be retained permanently), but for employees as well.

It was explained that bids were received for both a Fire Detection System and a Monitoring System; following review of the bids, the Library of Virginia elected to fund only the Monitoring System at this time; from the bids submitted, the Library of Virginia has selected Hudson-Payne Electronics Corporation to provide a Digital Closed Circuit TV Monitoring and Recording System; and awarded a grant in the amount of \$17,162.00 for purchase and installation of the system, with no matching local funds required by the City of Roanoke.

The Clerk of Circuit Court recommended that he be authorized to execute the grant agreement, to be approved as to form by the City Attorney; and that the Director of Finance be authorized to establish a revenue estimate in the amount of \$17,162.00 in the Grant Fund and appropriate funds to an expenditure account entitled, "Virginia Court Records Grants."

A communication for the City Manager concurring in the recommendation of the Clerk of Circuit Court, was also before Council.

Mr. Dowe offered the following budget ordinance:

(#36353-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 323.)

Mr. Dowe moved the adoption of Ordinance No. 36353-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36354-060203) A RESOLUTION authorizing acceptance of a grant award from the Virginia Circuit Court Records Preservation Program of the Library of Virginia, to the Clerk of the Circuit Court for the purchase and installation of a Digital Closed Circuit Television Monitoring and Recording System, and authorizing the Clerk of the Circuit Court to execute any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of Resolution, see Resolution Book No. 97, page 325.)

Mr. Dowe moved the adoption of Resolution No. 36354-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-STATE COMPENSATION BOARD-CIRCUIT COURT: A communication from Arthur B. Crush, III, Clerk of Circuit Court, advising that the Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments, which include Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders, all of which must be maintained and be available to the public, was before Council.

It was further advised that the Compensation Board, through the Technology Trust Fund, has made available funds to be allocated toward contractual obligations for those offices that have indicated that funds are needed; and the Circuit Court Clerk's Office for the City of Roanoke has been allocated for reimbursement in the amount of \$20,901.00, and acceptance of the funds is vital to meeting year end budget obligations of the Circuit Court Clerk's Office.

The Clerk of Circuit Court recommended that the City Manager be authorized to accept funds from the Compensation Board Technology Trust Fund, in the amount of \$20,901.00; and that the Director of Finance be authorized to establish a revenue estimate in the Grant Fund in the amount of \$20,901.00, and appropriate same to an account to be established entitled, Circuit Court technology Trust Funds Fiscal Year 2003.

A communication from the City Manager recommending that Council concur in the recommendation of the Clerk of Circuit Court, was also before the body.

Mr. Fitzpatrick offered the following budget ordinance:

(#36355-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 326.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36355-060203. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Bestpitch offered the following resolution:

(#36356-060203) A RESOLUTION authorizing acceptance of funds from the Commonwealth of Virginia Compensation Board through the Technology Trust Fund, to provide reimbursement to the Clerk of the Circuit Court for contractual obligations providing technology services, and authorizing the Clerk of Circuit Court to execute any and all necessary documents to comply with the terms and conditions as required for such reimbursement.

(For full text of Resolution, see Resolution Book No. 97, page 327.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36356-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

REPORT OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE

ITEMS RECOMMENDED FOR ACTION:

BUDGET-ROANOKE ARTS COMMISSION: The City Manager submitted a communication advising that the Roanoke Arts Commission Agency Funding Advisory Committee budget, in the amount of \$322,482.00, was established by Council with adoption of the General Fund budget for fiscal year 2003-04, the total of

which represents an increase in funding of \$33,370.00; requests from 16 agencies, totaling \$452,750.00 were received; and committee members studied each application prior to an allocation meeting which was held on April 1, 2003, and agencies were notified of tentative allocations and advised that they could appeal the recommendation, however, no appeals were filed.

The City Manager recommended that Council authorize transfer of \$322,482.00 from the Roanoke Arts Commission Agency Funding Advisory Committee, Account No. 001-310-5221-3700, to new line items to be established within the Roanoke Arts Commission Agency Funding Advisory Committee budget by the Director of Finance for fiscal year 2003-04.

Mr. Cutler offered the following budget ordinance:

(#36357-060203) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 328.)

Mr. Cutler moved the adoption of Ordinance No. 36357-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-PARKS AND RECREATION-WATER RESOURCES: The City Manager submitted a communication advising that on an annual basis, the Department of the Interior appropriates Federal Land and Water Conservation Funds (LWCF) to State governments for both acquisition and development projects relating to parks and outdoor recreational facilities; and for the fiscal cycle 2002-03, the Virginia Department of Conservation and Recreation authorized \$2,000,000.00 to local governments to be awarded through the Virginia Outdoors Fund (VOF).

It was further advised that the Department of Parks and Recreation, in partnership with both the Washington Park Alliance for Neighborhoods and the Roanoke Valley Greenways Commission, submitted a matching grant proposal for funding for creation of the Brown-Robertson Neighborhood Park on an 8.36-acre tract of land formerly known as Shadeland; within the initial phase of Roanoke's park improvement process, \$100,000.00 was dedicated toward development of the park, and such funds will be used as the City's matching component to receive an additional \$81,000.00 LWCF funds; and as such, local funding in the amount of \$81,000.00 is available in Account No. 008-620-9744-9001, which will be used for the design and construction process for the park based on what is derived from neighborhood public forums.

It was explained that the 2002 Virginia Outdoors Plan (VOP) identifies that additional neighborhood park facilities are needed in economically challenged communities and where specific neighborhoods have no close-to-home recreational opportunities within walking distance, and typically within five minutes walking distance from one's home.

It was noted that the City of Roanoke has received confirmation from the Commonwealth of Virginia that the City will be the recipient of an \$81,000.00 LWCF award, provided that a supporting resolution by Council is adopted expressing the City's desire to accept and participate in the Land and Water Conservation program.

The City Manager recommended that Council adopt a resolution of support which will address and accept Land and Water Conservation Funding, in the amount of \$81,000.00, for the development of Brown-Robertson Neighborhood Park; and appropriate grant funds and establish a corresponding revenue estimate of \$81,000.00 in accounts to be established by the Director of Finance in the Grant Fund entitled, "Virginia Outdoors Fund Grant", and transfer local matching funds of \$81,000.00 from Account No. 008-620-9744-9001 to the same grant account.

Mr. Dowe offered the following budget ordinance:

(#36358-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 329.)

Mr. Dowe moved the adoption of Ordinance No. 36358-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36359-060203) A RESOLUTION requesting funding from the Virginia Department of Conservation and Recreation ("DCR") to assist in the development of Brown-Robertson Neighborhood Park, and authorizing the City Manager to provide sufficient information and materials and to execute such documents as may be necessary to accept the Virginia Outdoors Fund Grant.

(For full text of Resolution, see Resolution Book No. 97, page 331.)

Mr. Dowe moved the adoption of Resolution No. 36359-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

POLICE DEPARTMENT-CITY CODE: The City Manager submitted a communication advising that during calendar year 2002, Roanoke City Police Officers responded to 7,406 false alarms, or to approximately 20 false alarms per day, 95 per cent of which were business alarms; false alarm calls are directed to the appropriate agency by City dispatchers who expend a considerable amount of time on unnecessary calls for service; safety personnel may respond multiple times for a false alarm at the same location on the same day; false alarms may be due to improperly trained staff, vermin/birds triggering motion sensors, equipment failure, and the weather; and to address the excessive number of false alarms, safety personnel have met and worked with business owners, but the problem of the frequency of false alarms persists.

It was further advised that several localities were surveyed as to how they address false alarms; Roanoke County and the Town of Vinton have enacted ordinances which establish fees to be charged for multiple false alarms; and Roanoke County charges residences and businesses fees of \$25.00 to \$150.00 for false alarms beginning with the fifth false alarm.

The City Manager recommended that Council adopt an ordinance amending the Code of the City of Roanoke (1979), as amended, by adding a new Article II, Security Alarms, to Chapter 23, Police, effective January 1, 2004. It was explained that the proposed ordinance will provide for the regulation of the use and operation of security alarm systems operated by alarm company operators, in order to enhance public safety and to reduce unnecessary expenditure of public resources in response to false alarms; the proposed ordinance would not apply to security alarm systems maintained by governmental agencies or departments; the proposed ordinance will regulate commercial establishments and, to a lesser extent, residential establishments; alarm company operators, as well as businesses on whose premises security alarm systems are maintained, must register with the City and obtain a permit; a registration fee of \$25.00 is required for the first year and \$20.00 annually thereafter; and the registration requirement provides information to the City about the type of alarm system on the premises and the names of persons designated by the business to respond to the alarm system.

It was further explained that any business that fails to register must pay a service charge of \$100.00 for each false alarm and a charge of \$150.00 for the seventh and all subsequent false alarms in a calendar year; registered businesses will not be charged for the first three false alarms during a calendar year, but a service charge of \$25.00 will be imposed for the fourth false alarm, \$50.00 for the fifth false alarm, \$100.00 for the sixth false alarm, and \$150.00 for the seventh and all subsequent false alarms in a calendar year.

It was noted that residences with security alarms will not have to register; no service charge will be imposed upon residential alarm users for the first ten false alarms in a calendar year; excessive residential false alarms (ten in a calendar year) will lead to a mandated examination of the alarm system by a company of the homeowner's choice, or will lead to a site assessment by the Police Crime Prevention Unit; a service charge of \$15.00 will be assessed for the 11th false alarm, \$20.00 for the 12th false alarm, \$25.00 for the 13th false alarm, and \$30.00 for the 14th and all subsequent false alarms in each calendar year, provided the residential alarm system user has had the required inspection after the tenth false alarm; if the residential alarm system user has not complied with the inspection requirements after the tenth

false alarm, all subsequent false alarms in that calendar year will result in a service charge of \$30.00; and the amount of false alarm service charges collected should decrease as owners properly train their staff to operate/arm their security systems, as efforts are initiated to eliminate vermin/other pests, and as motion sensors are repositioned.

Ms. Wyatt offered the following ordinance:

(#36360-060203) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by adding a new Article III, Security Alarms, to Chapter 23, Police; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 333.)

Ms. Wyatt moved the adoption of Ordinance No. 36360-060203. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

CITY CODE-FIRE DEPARTMENT: The City Manager submitted a communication advising that Roanoke Fire-EMS responded to 1,403 calls for electronic fire alarm system activations in 2002, of which approximately 1,300 (95 per cent) of responses were for false alarms, accidental alarms or system malfunctions; and the number of false alarms is increasing and will continue to increase as more businesses install electrical systems.

It was further advised that the County of Roanoke and the Town of Vinton have enacted ordinances that define fees to be charged for multiple false alarms; Roanoke County charges residences and businesses fees of \$25.00 to \$150.00 for false alarms, beginning with the fifth such alarm; and adopting a service charge structure for responses to false alarms to commercial/retail structures will lower false alarm incidents, thereby improving public safety.

It was explained that false alarms substantially impact service delivery, as well as safety to citizens and firefighters; electronic alarms from commercial/retail structures activate a response from three engines, two aerial ladder trucks, and one command officer, and after responding, it is necessary to have fire alarm systems reset; frequently, building representatives do not respond in a timely manner and many do not respond at all; service charges for false alarms will motivate property owners to accept responsibility for their equipment and for the safety of their buildings; and reducing the number of responses to false alarms will also reduce the wear and tear on fire apparatus and the risk of injury to citizens and firefighters.

The City Manager recommended that Council adopt an ordinance amending the Code of the City of Roanoke (1979), as amended, by adding a new Article III, Fire Alarm Systems, to Chapter 12, Fire Prevention and Protection, effective January 1, 2004. It was explained that the recommended ordinance regulates only commercial establishments; businesses on whose premises fire alarm systems are maintained and alarm company operators must register with the City and obtain a permit; a registration fee of \$25.00 is required for the first year and \$20.00 annually thereafter; the registration requirement provides information to the City about the type of alarm system on the premises and the names of persons designated by the business to respond to the alarm system; any business that fails to register must pay a service charge of \$100.00 for each false alarm and a charge of \$150.00 for the seventh and all subsequent false alarms in a calendar year; and registered businesses will not be charged for the first three false alarms during a calendar year, but a service charge of \$25.00 will be imposed for the fourth false alarm, \$50.00 for the fifth false alarm, \$100.00 for the sixth false alarm, and \$150.00 for the seventh and all subsequent false alarms in a calendar year.

Mr. Dowe offered the following ordinance:

(#36361-060203) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by adding a new Article III, Fire Alarm Systems to Chapter 12, Fire Prevention and Protection; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 341.)

Mr. Dowe moved the adoption of Ordinance No. 36361-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising the Virginia Department of Social Services (VDSS) has recognized that many social services programs are funded with local dollars only when existing budget allocations are exhausted due to lack of State match; VDSS now allows local agencies to develop "Revenue Maximization" Projects to claim Federal reimbursement for local funds; the City of Roanoke has collected \$117,422.00 through Revenue Maximization projects for fiscal year 2003, which amount exceeds the original appropriation by \$73,141.00 for this fiscal year; and Federal reimbursement for "reasonable and necessary" expenditures incurred for the proper administration of social services programs accounts for the majority of the overage.

It was further advised that additional funds reimbursed to a locality as a result of Revenue Maximization shall not be used to replace or supplant funds otherwise appropriated by the locality for human services activities; accordingly, these costs must be separated from traditional costs and expended to address unmet human services needs; and the City of Roanoke will use the funds to better meet the needs of populations that are not fully served by improving utilization management under the Comprehensive Services Act and providing support for a Substance Abuse Counselor in the Court Services Unit.

The City Manager recommended that Council increase the General Fund Revenue estimate by \$73,141.00 to Revenue Maximization Account No. 001-110-1234-0702, and appropriate \$73,141.00 to Account No. 001-630-5315-2010.

Mr. Dowe offered the following budget ordinance:

(#36362-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 348.)

Mr. Dowe moved the adoption of Ordinance No. 36362-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-HOTEL ROANOKE CONFERENCE CENTER: The City Manager submitted a written communication advising that the Hotel Roanoke Conference Center Commission was created by the Virginia General Assembly in 1991 to construct, equip, maintain and operate the Conference Center of Roanoke, which is located adjacent to The Hotel Roanoke; the City of Roanoke and Virginia Tech are participating entities in the Commission; in 1992, Council authorized establishment of an Agency Fund entitled, "Hotel Roanoke Conference Center Commission"; the Commission's enabling legislation allows for participating parties to contribute funds to equally the Commission to fund operating deficits of the Commission and to enable the Commission to expend such revenues for proper purposes; the budget must be approved by each of the participating entities; Council included funding in the fiscal year 2003-2004 General Fund adopted budget to be used for such purposes; and The Hotel Roanoke Conference Center Commission recommends adoption by Council of its fiscal year 2003-2004 operating budget.

The City Manager recommended that Council approve The Hotel Roanoke Conference Center Commission budget for fiscal year 2003-2004, appropriate \$212,000.00 to accounts to be established by the Director of Finance in The Hotel Roanoke Conference Center Agency Fund, establish revenue estimates of \$100,000.00, each, for the City of Roanoke and Virginia Tech contributions, and \$12,000.00 from Retained Earnings.

Mr. Fitzpatrick offered the following budget ordinance:

(#36363-060203) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Hotel Roanoke Conference Center Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 349.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36363-060203. The motion was seconded by Mr. Dowe and adoption by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36364-060203) A RESOLUTION approving the annual operating budget of the Hotel Roanoke Conference Center Commission for Fiscal Year 2003-2004.

(For full text of Resolution, see Resolution Book No. 97, page 350.)

Mr. Dowe moved the adoption of Resolution No. 36364-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-HUMAN DEVELOPMENT-GRANTS: The City Manager submitted a communication advising that the Fifth Planning District Commission Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; the following jurisdictions in the Fifth Planning District have enacted resolutions establishing their participation in a regional effort and have appointed a local official to serve: the Cities of Roanoke, Salem, and Covington; the Counties of Roanoke, Craig, Botetourt, and Alleghany, and the Towns of Clifton Forge and Vinton and other members of the DSB include representatives from business and consumers.

It was further advised that Council authorized the Director of Finance to serve as fiscal agent for the Fifth Planning District Disabilities Services Board on September 25, 1995, pursuant to Resolution No. 32675-092595; and the State Department of Rehabilitative Services has allocated funds, in the amount of \$14,800.00, for a one-year period to continue local staff support of administration of the Fifth District DSB.

The City Manager recommended that she be authorized to enter into a contract to be approved as to form by the City Attorney, with existing DSB staff support, to continue providing local administrative support; and that Council appropriate \$14,800.00 to an account to be established in a Grant Fund by the Director of Finance, and establish a revenue estimate of the same.

Mr. Dowe offered the following budget ordinance:

(#36365-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 351.)

Mr. Dowe moved the adoption of Ordinance No. 36365-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36366-060203) A RESOLUTION authorizing the City Manager to enter into a contract with the Fifth District Disability Services Board ("FDDSB") to provide continuing local administrative staff support; upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 97, page 352.)

Mr. Dowe moved the adoption of Resolution No. 36366-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

ARMORY/STADIUM -LEASES: The City Manager submitted a communication advising that the City of Roanoke is preparing to construct a multipurpose stadium/amphitheater facility off Courtland Avenue; to facilitate construction, a lease is needed for land adjacent to the stadium site for use as a staging area and placement of a construction trailer; and a lease agreement has been reached with property owners, Katherine R. and Dana L. Baker, for a portion of Official Tax No. 3070320.

It was further advised that the proposed lease is for approximately 28,375 square feet for a one year term, with provision that the lease may be extended for up to two additional one year terms, at an annual lease fee of \$7,800.00 for the initial term and \$8,400.00 for the second and third year terms, with funding in Account No. 008-530-9776-9050; and the lease also provides that the tenant will indemnify and hold harmless the landlord against all liability, cost, expense, claims, loss, damage and judgments incurred or suffered by the landlord in connection with the lease.

The City Manager recommended that she be authorized to execute a Lease Agreement with Katherine R. and Dana L. Baker, in a form to be approved by the City Attorney.

Mr. Dowe offered the following ordinance:

(#36367-060203) AN ORDINANCE authorizing the City Manager to enter into a lease agreement with Katherine R. Baker and Dana L. Baker, for approximately 28,375 square feet of Official Tax Map #3070320, adjacent to the stadium site, for use as a staging area and site for a construction trailer for the City's staff and consultants, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 353.)

Mr. Dowe moved the adoption of Ordinance No. 36367-060203. The motion was seconded by Mr. Cutler.

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation of Victory Stadium. He referred to the historical value of Victory Stadium and advised that the Federal government played a major role in constructing Victory Stadium in honor of veterans of World War II. He talked about college football games that were played on the Victory Stadium field and Maher Field, which was donated to the City for park purposes by the N & W Railway and, stated that citizens of the City of Roanoke should have the right to vote by referendum on the future of Victory Stadium.

Ordinance No. 36367-060203 was adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick and Wyatt-----5.

NAYS: Mayor Smith-----1.

(Vice-Mayor Harris was absent.)

BONDS/BOND ISSUES-INDUSTRIES-HOSPITALS: The City Manager submitted a communication advising that the Industrial Development Authority (IDA) adopted a resolution on May 14, 2003, authorizing issuance of up to \$50,000,000.00 for Carilion Health Systems to undertake various construction projects; and approval by Council is required, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906, Code of Virginia (1950), as amended.

The City Manager further advised that in order for such financing to proceed, Council is requested to adopt a proposed resolution.

Mr. Dowe offered the following resolution:

(#36368-060203) A RESOLUTION authorizing, among other things, the issuance of not to exceed \$50,000,000.00 aggregate principal amount of Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Carilion Health System Obligated Group) Series 2003A and Series 2003B to the extent required by Section 147 of the Internal Revenue Code of 1986, as amended. (For full text of Resolution, see Resolution Book No. 97, page 354.)

Mr. Dowe moved the adoption of Resolution No. 36368-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

DIRECTOR OF FINANCE:

AUDITS: The Director of Finance presented the Financial Report for the month of April, 2003.

Question was raised regarding whether Victory Stadium operates at a deficit; whereupon, the City Manager advised that expenses are in the range of \$268,000. 00, and revenue in fiscal year 2002 was approximately \$41,000.00, for a deficit of about \$225,000.00. She stated that the deficit will be higher in fiscal year 2003 because the same level of revenue has not been maintained, while expenses will remain at about the same level.

Mr. Cutler inquired if any of the deficit included funds associated with flood clean up; whereupon, the City Manager advised that no expenses were incurred in fiscal year 2002, and the books have not closed out for fiscal year 2003. She stated that the City has applied to the Federal Emergency Management Association for reimbursement of certain flood related expenses, although no determination has been made; and damage was sustained to the portable stage which is used at the Civic Center, and any damage or repair to items that were stored at Victory Stadium will fall to the individual City departments having responsibility for those items. She advised that figures will be provided to the Council at a later date.

Ms. Wyatt noted that a large portion of flood clean up was performed by City Jail inmates, and asked that those costs be calculated into the overall figures to be provided by the City Manager.

There being no further questions or discussion, without objection by Council, the Mayor advised that the Financial Report for the month of April 2003 would be received and filed.

BONDS/BOND ISSUES -HOTEL ROANOKE CONFERENCE CENTER-VIRGINIA

TECH: The Director of Finance submitted a written report advising that the City of Roanoke issued \$35.8 million of Series 1994 bonds dated January 1, 1994; the bonds were issued to fund various projects, including an expansion of the City Jail, construction of The Hotel Roanoke Conference Center and other infrastructure projects; interest rates on the callable maturities of the bonds range from 4.7 per cent to 5.25 per cent; the City issued \$26,020,000.00 of Series 1999A and \$10,100,000.00 of Series 1999B bonds dated October 15, 1999; the bonds were issued to fund various projects including schools, buildings, storm drains, the Roanoke Higher Education Center, the Johnson and Johnson project and other infrastructure projects; interest rates on the callable maturities of the bonds range from 5.0 per cent to 6.0 per cent; and Morgan Keegan and Co., Inc., has proposed to purchase bonds to refund currently outstanding bonds via a negotiated sale.

It was further advised that based on recent municipal bond interest rates, the City could potentially realize considerable savings by refunding a portion of the 1994 and/or 1999 bonds; resulting savings would be contingent upon combination of the interest rate received on the refunding bonds and the interest rate obtained on the Treasury certificates purchased to fund the escrow to be used to pay current outstanding bonds when the bonds become callable; based upon discussions with the City's financial advisor, BB&T Capital Markets, it is believed that an appropriate level of savings to justify refunding the 1994 bonds would be a net present value amount of \$750,000.00, provided that savings of at least 3 per cent of net present value of the refunded bonds could also be achieved; an appropriate level of savings to justify refunding the 1999 bonds would be a net present value amount of \$500,000.00, provided that savings of at least 4 per cent of net present value of the refunded bonds could also be achieved; since interest rates fluctuate daily, it is imperative to the success of a refunding that the City act quickly once interest rates enable the City to achieve an acceptable level of savings; thus, a negotiated sale, versus an open market competitive sale, can be accomplished in a much shorter timeframe and is deemed more practical; and refunding bonds will be considered additional debt in the context of the City's debt policy and from the rating agencies' perspective only to the extent that a slightly higher level of principal would need to be issued than the amount of bonds being refunded.

The Director of Finance recommended that Council adopt a resolution authorizing the City Manager and the Director of Finance to issue up to \$53 million in refunding bonds to be purchased by Morgan Keegan and Co., Inc.; refunding bonds shall be issued to refund the 1994 bonds if net present value savings of \$750,000.00 and a minimum of 3 per cent of the net present value of the 1994 refunded bonds can be achieved; and refunding bonds shall be issued to refund the 1999 bonds, if net present value savings of \$500,000.00 and a minimum of 4 per cent of the net present value of the 1999 refunded bonds can be achieved.

Mr. Fitzpatrick offered the following resolution:

(#36369-060203) A RESOLUTION authorizing the issuance and sale of not to exceed fifty three million dollars (\$53,000,000.00) principal amount of City of Roanoke, Virginia, general obligation public improvement refunding bonds to Morgan Keegan & Company, Inc., as underwriter; fixing the form, denomination and certain other details of such bonds and delegating to the City Manager and the Director of Finance authority, among other things, to execute and deliver to such underwriter a bond purchase contract by and between the city and such underwriter, to determine the aggregate principal amount of such bonds, the maturity dates of such bonds and the principal amounts of such bonds maturing in each year, the interest payment dates for such bonds and the rates of interest to be borne by such bonds, the redemption provisions and redemption premiums, if any, applicable to such bonds and to appoint an escrow agent for the bonds to be refunded from the proceeds of such bonds; authorizing the preparation of a preliminary official statement and an official statement and the delivery thereof to such underwriter; authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing the execution and delivery of an escrow deposit agreement relating to the refunded bonds; authorizing the City Manager and the Director of Finance to appoint a verification agent; authorizing the City Manager and the Director of Finance to designate the refunded bonds for redemption; and otherwise providing with respect to the issuance, sale and delivery of such bonds and the refunding of the refunded bonds.

(For full text of Resolution, see Resolution Book No. 97, page 358.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36369-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Fitzpatrick, Wyatt and Mayor Smith -----5.

NAYS: None-----0.

(Council Member Dowe abstained from voting inasmuch as he is employed by Branch Banking and Trust of Virginia.) (Vice-Mayor Harris was absent.)

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

DIRECTOR OF FINANCE-CITY CLERK-BUDGET-CITY ATTORNEY-CITY MANAGER-MUNICIPAL AUDITOR: Mr. Dowe offered the following ordinance establishing compensation for the City Manager, City Attorney, Director of Finance, Municipal Auditor and City Clerk for the fiscal year beginning July 1, 2003:

(#36370-060203) AN ORDINANCE establishing compensation for the City Manager, City Attorney, Director of Finance, Municipal Auditor, and City Clerk for the fiscal year beginning July 1, 2003; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 373.)

Mr. Dowe moved the adoption of Ordinance No. 36370-060203. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

MOTION AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

PURCHASE / SALE OF PROPERTY - EASEMENTS - DONATIONS/CONTRIBUTIONS-WESTERN VIRGINIA LAND TRUST-WATER RESOURCES: Council Member Cutler referred to an article in the June 2, 2003 edition of *The Roanoke Times*, "Task Force aims to send cleaner water to Carvins Cove", which describes the partnership between the City of Roanoke and Director of Utilities, Mike McEvoy, and the Western Virginia Land Trust. He advised that the Western Virginia Land Trust works with land owners on Catawba Creek and Tinker

Creek, where water flows into the Carvins Cove Reservoir, to obtain conservation easements on the creeks, to move cattle out of the creeks and to protect the water supply from agricultural and suburban run-off through voluntary donation, or sale of conservation easements, or development rights along the watershed above Carvins Cove. He expressed appreciation to Mr. McEvoy and to the Executive Director of the Western Virginia Land Trust for this innovative way to protect water quality upstream.

POLICE DEPARTMENT-TRAFFIC-ACTS OF ACKNOWLEDGMENT: Council Member Fitzpatrick called attention to a police officer who was directing traffic at the intersection of Tazewell Avenue and 13th Street, S. E., on Sunday, June 1, 2003, and asked that the police officer be commended for the manner in which she directed traffic.

CITY CODE-UTILITIES: Council Member Fitzpatrick requested that the City Manager report on the City's signage policy; i.e.: utilization of utility poles for display of signage.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

BUDGET-COMPLAINTS-CITY EMPLOYEES-YOUTH-SPECIAL EVENTS-ECONOMIC DEVELOPMENT-RAIL SERVICE: Mr. Robert Gravely, 3360 Hershberger Road, N. W., referred to photographs of various sections of northwest Roanoke and expressed concern that the City of Roanoke is 40 years behind schedule in infrastructure maintenance needs. He stated that the railroad must work with the people and for the people to make rail transportation affordable; affordable housing should be provided for Roanoke's citizens; the pay scale for City employees should be upgraded and not based on a percentage increase; more jobs should be created for Roanoke's residents with wages that make it affordable to live in the City of Roanoke; business and entertainment ventures must be successful in order to attract more people to the Roanoke Valley; more programs should be created for youth leading to gainful employment in the Roanoke Valley; and laws should be enforced that work with the people and for the people.

CITY MANAGER COMMENTS: NONE.

At 3:30 p.m., the meeting was declared in recess for two Closed Sessions.

At 4:05 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Vice-Mayor Harris.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Fitzpatrick moved that each member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

PARKS AND RECREATION-COMMITTEES: The Mayor advised that there is a vacancy on the Mill Mountain Advisory Committee and called for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of Louise F. Kegley.

There being no further nominations, Ms. Kegley was appointed as a member of the Mill Mountain Advisory Committee for a term ending June 30, 2004, by the following vote.

FOR MS. KEGLEY: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

(Vice-Mayor Harris was absent.)

COMMITTEES-FDETC The Mayor advised that there is a vacancy on the Fifth District Employment and Training Consortium (City Manager designee); whereupon, Council concurred in the City Manager's designation of Vickie L. Price, Acting Director of Human Services.

**There being no further business, the Mayor declared the meeting adjourned
at 4:10 p.m.**

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

June 16, 2003

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, June 16, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, and Mayor Ralph K. Smith----6.

ABSENT: Vice-Mayor C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Timothy A. Wright, Associate Pastor, Evangel Foursquare Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT-REAL ESTATE VALUATION: Mr. Dowe offered a resolution paying tribute to Willard N. Claytor, Director of Real Estate Valuation for the City of Roanoke, who will retire from his position on August 1, 2003:

(#36371-061603) A RESOLUTION paying tribute to Willard Nathan Claytor, Director of Real Estate Valuation for the City of Roanoke, and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of Resolution, see Resolution Book No. 67, page 375.)

Mr. Dowe moved the adoption of Resolution No. 36371-061603. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

The Mayor presented a ceremonial copy of the above referenced measure to Mr. Claytor and advised that a reception will be held in his honor on June 30, 2003, at The Jefferson Center.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for a closed session.

MINUTES: Minutes of the special meeting of Council held on Thursday, May 1, 2003, and the regular meeting held on Monday, May 5, 2003, and recessed until Wednesday, May 7, 2003, were before the body.

Mr. Cutler moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

COMMITTEES-HOUSING/AUTHORITY: A communication from Beverly T. Fitzpatrick, Jr., tendering his resignation as a Commissioner of the City of Roanoke Redevelopment and Housing Authority, effective May 19, 2003, was before the body.

Mr. Cutler moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

COMMITTEES-YOUTH: A communication from the City Clerk advising of the resignation of F. B. Webster Day as a member of the Youth Services Citizen Board, effective immediately, was before Council.

Mr. Cutler moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-CAPITAL IMPROVEMENTS PROGRAM: The City Manager and the Director of Finance submitted a joint communication advising that capital projects of all types have been approved by Council for construction over the past years; projects have included construction in major categories for buildings, parks, streets, bridges, sanitary sewers, water projects, storm drains, flood reduction and various technology related projects; funding was established for each project when Council approved the project based on bids for various project costs, as well as extra funding for possible contingencies; and some projects have contingency funds remaining after final expenditures are made because projects are completed within established budgets.

It was further advised that a number of projects have been completed and can be closed; total of funds remaining are \$469,421.00, which may be transferred from completed projects to capital projects still under construction, or to capital improvement reserve accounts for other future construction. (An attachment to the communication lists completed projects that may be closed.)

The City Manager and the Director of Finance recommended that Council adopt a budget ordinance which will transfer funds from completed capital projects to recommended accounts.

Mr. Dowe offered the following budget ordinance:

(#36372-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water and Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 376.)

Mr. Dowe moved the adoption of Ordinance No. 36372-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET: The City Manager and the Director of Finance submitted a joint communication advising that Internal Service Funds account for certain services provided to departments by other departments of the City; Internal Service Funds recover their costs by charging the receiving departments for services provided; budgeted funds for internal services are allocated in the General Fund in each fiscal year throughout the various departments based on estimated usage; and usage sometimes varies from original estimates.

It was further advised that budget amounts in Internal Service Funds are established based on expected transactions for the year; and based on certain higher than anticipated expenses and changes in billing methodology in the areas of Department of Technology, Fleet and Risk Management; and additional expenses have been incurred and budget adjustments will be needed for the items.

It was stated that during the current fiscal year, a new telephone system was installed in a majority of City offices, and a new billing method was necessary to accommodate the new telephone system; the Department of Technology now pays telephone charges and bills user departments instead of departments being charged directly; to administratively accommodate the change in billing methodology, increases of \$163,800.00 in the Department of Technology's revenue and expense estimates are needed for fiscal year 2003; and no additional funding is necessary for General Fund departments since telephone charges were already properly budgeted throughout user departments.

It was further stated that the Fleet Management Fund bills user departments for vehicle supplies and maintenance and fuel purchases, based on cost; in the current fiscal year, the cost of vehicle parts and inventory resupply exceeded the amounts budgeted by \$175,300.00; in addition, fuel prices increased during the year and were \$138,000.00 higher than anticipated; and as a result, increases of \$313,300.00 in Fleet Management revenue and expense estimates are needed for fiscal year 2003.

It was explained that the City accounts for self-insured liabilities in its Risk Management Internal Service Fund, which fund has incurred costs in excess of the budget during fiscal year 2003, and has billed user funds and departments at amounts exceeding the original revenue estimates to recover such costs; an increase of \$151,716.00 is necessary in various operating accounts to cover claims and repair costs in excess of the budget; an increase of \$162,000.00 is needed to cover the rising costs of insurance policies, which have increased as a result of the events of September 11, 2001; property values have been updated in insurance policies; workers' compensation medical expenses need an increase of \$55,000.00 due to a higher than typical level of medical claims paid; corresponding revenue adjustments will be made; the General Fund portion of the additional amount required to fully fund Internal Service Fund charges will be transferred to various departmental internal service accounts via a separate Council report; and funding will be provided from available salary lapse funds.

The City Manager and the Director of Finance recommended adoption of a budget ordinance to accomplish the above described Internal Service Fund budgetary adjustments.

Mr. Dowe offered the following budget ordinance:

(#36373-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Department of Technology, Fleet Management and Risk Management Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 380.)

Mr. Dowe moved the adoption of Ordinance No. 36373-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-CITY CODE-EMERGENCY SERVICES: The City Manager submitted a communication advising that the Commonwealth of Virginia authorizes any locality providing Enhanced 9-1-1 (E911) services to its citizens to impose a special tax on the consumers of telephone service, in order to support the cost of operations; on

May 12, 2003, Council adopted an ordinance amending Section 32-276 of the City Code to increase the tax to \$2.00 per month per telephone line, effective October 1, 2003; the City of Roanoke is required to notify the registered agent of the service providers required to collect the tax at least 120 days prior to the effective date of the increase, in order for the increase to be effective; and notice requirement is mandated by Section 58.1-3812.A, Code of Virginia, 1950, as amended, to allow time for telephone companies to adjust their systems for the new rate.

It was further advised that the required notification was not sent to the registered agents of the service providers responsible for collecting the tax, in order to provide for the October 1, 2003 effective date; to provide for the required advance notification, the effective date of the tax increase needs to be revised to November 1, 2003; revenue loss associated with a one month delay in the implementation date is approximately \$37,000.00; and while this implementation delay might cause the tax to fall below estimate in fiscal year 2004, the variance is not expected to be significant.

The City Manager recommended that Council repeal an ordinance adopted on May 12, 2003, amending Section 32-276 of the City Code adjusting the Enhanced 9-1-1 tax to \$2.00 per month, effective October 1, 2003; and adopt a measure amending Section 32-276 of the City Code adjusting the Enhanced 9-1-1 tax to \$2.00 per month, effective November 1, 2003.

Mr. Dowe offered the following ordinance:

(#36374-061603) AN ORDINANCE repealing Ordinance No. 36307-051203, adopted on May 12, 2003; and amending and reordaining §32-276, Tax levied; amount, of the Code of the City of Roanoke (1979), as amended, to provide for an increase in the special tax imposed on the consumers of telephone service to offset costs attributable to the enhanced 911 Emergency Telephone System; providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 382.)

Mr. Dowe moved the adoption of Ordinance No. 36374-061603. The motion was seconded by Ms. Wyatt.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke against an increase in the proposed tax. He advised that supporting documentation states that, if levied, funds will be used to offset recurring maintenance, repair and system upgrades, costs, and salaries or portions of salaries of dispatchers who are already paid by the

City of Roanoke. He noted that Council recently approved a salary increase for all City employees and for Council Members. He expressed concern over the plight of the poor and disadvantaged citizens of Roanoke and for those persons who live on a fixed income who cannot afford the luxury of a telephone in these difficult economic times.

Ordinance No. 36374-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, and Bestpitch-----5.

NAYS: Mayor Smith-----1.

(Vice-Mayor Harris was absent.)

CITY CODE-CITY MARKET: The City Manager submitted a communication advising that a committee composed of City staff, Downtown Roanoke, Inc. (DRI) staff, and Roanoke Market Vendors reviewed and made recommendations to update and amend Article III, Public Markets, Sections 24-61 through 24-77, Code of the City of Roanoke (1979), as amended; and such changes are needed in order to meet operational challenges facing the market and to provide for more efficient management of the City Market.

It was further advised that all changes in the City Code have been recommended by DRI, through consultation with vendors and voted on by DRI's Board of Directors; modifications include changing the allowable hours of use and authorizing the City Manager to create Rules and Regulations for operation and use of the Market; changes in the rules and regulations include allowing vendors to have one parking space per permitted license space, with the provision that employees may not use the parking space for their personal use; several retail merchants have expressed concern about the potential for vendors who have more than one space to occupy parking spaces that they do not necessarily need; and the handbook provides the City Manager with the discretion to address such issues should they arise, therefore, concerns can be addressed in the handbook as needed.

The City Manager recommended that Council amend Article III, Public Markets, Sections 24-61 - 24-77, Code of the City of Roanoke (1979), as amended.

Mr. Bestpitch offered the following ordinance:

(#36375-061603) AN ORDINANCE amending and reordaining Article III, Public Markets, of Chapter 24, Public Buildings and Property Generally, of the Code of the City of Roanoke (1979), as amended, by amending certain sections therein, repealing Section 24-70, Sign required on vehicles used by hucksters or peddlers, and adding Section 24-77, Rules and regulations for use of market spaces, in order to update such Article III; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 384.)

Mr. Bestpitch moved the adoption of Ordinance No. 36375-061603. The motion was seconded by Mr. Fitzpatrick.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke in support of outdoor dining on the City Market; however, he expressed concern that outdoor dining tables and chairs take up most of the sidewalk area and leave little room for pedestrians.

Ordinance No. 36375-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BLUE RIDGE DISTRICT-WATER RESOURCES: The City Manager submitted a communication advising that the Blue Ridge Soil and Water Conservation District (Blue Ridge District) is an autonomous elected body with the mission of promoting conservation of natural resources, which is accomplished through educational programs and technical assistance to citizens living within the Blue Ridge District, including Henry, Franklin and Roanoke Counties.

It was further advised that soil and water conservation districts were first established in the 1930's to develop programs to prevent soil erosion and control floods; the Commonwealth of Virginia now has 47 districts, the role of which has been expanded to include grant administration and implementation of programs to control non-point source pollution; Virginia's districts receive funding primarily from the Virginia Department of Conservation and Recreation (DCR) and technical support from the Federal Department of Agriculture's, Natural Resources Conservation Service.

It was explained that the City of Roanoke is eligible to join the Blue Ridge District, upon petitioning the State Soil and Water Conservation Board; if accepted, the City would be allotted two representatives on the Blue Ridge District Board of Directors, which are voluntary service positions with four year terms of service to be elected by City voters, generally in the fall election cycle; initially, the Blue Ridge District Board of Directors would appoint the two positions if the City of Roanoke is granted membership between regularly scheduled elections; there is no cost associated with membership; the City would bear certain small election-related expenses in selecting candidates for the Board of Directors every four years; however, the District requests voluntary contributions from its member localities to support programs; most of the localities provide some level of support which is typically less than \$10,000.00 annually; and joining the Blue Ridge District would enable City residents to utilize the District's educational, technical and grant programs.

The City Manager recommended that she be authorized to prepare the necessary documents to petition the State Soil and Water Conservation Board for membership in the Blue Ridge Soil and Water Conservation District; and, if approved, to execute documents necessary for the City of Roanoke to become a member of the District, such documents to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36376-061603) A RESOLUTION authorizing the City Manager to prepare the necessary documents to petition the State Soil and Water Conservation Board for the City to become a member of the Blue Ridge Soil and Water Conservation District; and to take other related actions as necessary.

(For full text of Resolution, see Resolution Book No. 67, page 391.)

Mr. Cutler moved the adoption of Resolution No. 36376-061603. The motion was seconded by Mr. Dowe.

Question was raised that inasmuch as membership to the Board of Directors will be composed of elected positions, is it possible for candidates to be listed on the November, 2003 voting ballot; whereupon, the City Attorney advised that public hearings must be conducted by the State in each of the localities that are member districts, and the Attorney General must seek pre clearance through the Justice Department under the Civil Rights Act, which takes approximately 60 - 90 days, all of which must occur prior to placing the matter on the voting ballot. He stated that the existing Board will make interim appointments until elections occur.

Resolution No. 36376-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch
and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**BUDGET-HUMAN DEVELOPMENT-HOUSING/AUTHORITY-GRANTS-HOTEL
ROANOKE CONFERENCE CENTER:** The City Manager submitted a communication advising that CDBG, HOME and ESG funds provide for a variety of activities ranging from housing and community development to homelessness prevention and economic development through the U. S. Department of Housing and Urban Development (HUD); the City has received these entitlement grant funds for over 20 years and must reapply annually to HUD to receive funding; and on May 12, 2003, pursuant to Resolution No. 36326-051203, Council authorized filing of three separate funding applications as part of approving the submission of the Annual Update to the Consolidated Plan to HUD.

It was further advised that the funding release process is underway, and HUD's letter of approval is forthcoming granting the City access to its 2003-2004 CDBG, HOME and ESG entitlement of \$3,043,716.00; in addition, \$369,870.00 unexpended from prior year accounts and \$615,051.00 in anticipated program income is also included in the appropriation for fiscal year 2003-2004 activities; acceptance of funds and appropriation to specific accounts is needed to permit various projects to proceed; and acceptance of the 2003-2004 HOME entitlement requires \$89,923.00 in local match and no outlay of City funds will be needed to meet the requirement.

The City Manager recommended that Council take the following actions:

Adopt a resolution accepting the 2003-2004 CDBG, HOME and ESG entitlement funds as follows, contingent upon receipt of an approval letter from HUD:

CDBG	2003-04 Entitlement	\$2,207,000.00
HOME	2003-04 Entitlement	759,716.00
ESG	2003-04 Entitlement	<u>77,000.00</u>
TOTAL		\$3,043,716.00

Authorize the City Manager to execute the required Grant Agreements, Funding Approval, and other forms required by HUD in order to accept the funds, to be approved as to form by the City Attorney;

Appropriate \$3,043,716.00 entitlement and \$615,051.00 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance;

Increase revenue estimates in the following CDBG revenue accounts:

Home Ownership Assistance	035-G03-0300-2222	by \$ 7,744.00
Hotel Roanoke 108		
Loan Repay	035-G03-0300-2234	by \$268,202.00

Appropriate the above referenced funds to the following CDBG expenditure accounts:

Hotel Roanoke		
108 Loan Repay	035-G03-0330-5135	\$275,946.00

Increase the revenue estimates in the following HOME revenue accounts:

HOME - FY 02	035-090-5324-5320	by \$16,612.00
HOME - PI - FY 02	035-090-5324-5324	by \$ 801.00
HOME - PI - FY 03	035-090-5325-5325	by \$41,329.00

Appropriate the above referenced funds to the following HOME expenditure accounts:

Connect Four SE	035-090-5324-5386	by \$17,413.00
Connect Four SE	035-090-5325-5386	by \$41,329.00

Transfer \$35,182.00 in CDBG, HOME and ESG accounts from prior years to projects included in the 2003-2004 CDBG, HOME and ESG programs.

Mr. Dowe offered the following budget ordinance:

(#36377-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 392.)

Mr. Dowe moved the adoption of Ordinance No. 36377-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris was absent.) (Council Member Bespitch abstained from voting inasmuch as his spouse is employed by the YMCA of the Roanoke Valley, and the YMCA-Hurt Park will be funded, in the amount of \$32,297.00, through the program.)

Mr. Dowe offered the following resolution:

(#36378-061603) A RESOLUTION accepting the Fiscal Year 2003-2004 funds for the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships program (HOME) and the Emergency Shelter Grant (ESG) program and authorizing the City Manager to execute the requisite Grant Agreements with the United States Department of Housing and Urban Development (HUD).

(For full text of Resolution, see Resolution Book No. 67, page 397.)

Mr. Dowe moved the adoption of Resolution No. 36378-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris was absent.) (Council Member Bespitch abstained from voting inasmuch as his spouse is employed by the YMCA of the Roanoke Valley, and the YMCA-Hurt Park will be funded, in the amount of \$32,297.00, through the program.)

BUDGET-GRANTS: The City Manager submitted a communication advising that on March 29, 2002, Council authorized the City Manager to enter into a contract with Randall Funding and Development, Inc. (RFD), to provide grant search and grant writing services; in an effort to support this initiative, on September 16, 2002, Council also authorized appropriation of \$100,000.00 from the Capital Maintenance and Equipment Replacement Program (CMERP) funds to be set aside solely for the purpose of providing the necessary matching funds as grant opportunities arise; and funds were appropriated to the General Fund, Account No. 001-250-9310-9535, Transfer to Grant Fund, and funds are available to be transferred to the Grant Fund.

It was further advised that currently, RFD has been authorized to write and submit more than \$4.4 million of grant opportunities; to date, proceeds have been awarded in the total amount of \$789,207.00; matching funds are anticipated to be needed for two grant opportunities currently in the process of being written; and in anticipation thereof, Council is requested to appropriate CMERP funds into an appropriate account for the purpose of making the matching funds available for use after June 30, 2003.

The City Manager recommended that Council authorize the Director of Finance to establish a Transfer from General Fund revenue estimate, in the amount of \$100,000.00, and appropriate funding in the same amount to an account to be established in the Grant Fund entitled, "Local Match Funding for Grants", which account may be used as grants are awarded to provide local match to specific grants.

Mr. Dowe offered the following budget ordinance:

(#36379-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 398.)

Mr. Dowe moved the adoption of Ordinance No. 36379-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Council Member Cutler requested information on the total contract amount with Randall Funding and Development, Inc., and a summary of grants received by the City of Roanoke to date as a result of the contract.

POLICE DEPARTMENT-CITY CODE-TRANSPORTATION SAFETY-BICYCLISTS:
The City Manager submitted a communication advising that currently, mopeds have greater power than the mopeds of years past and have become popular among teenagers in the City of Roanoke; higher powered mopeds are frequently operated on City streets by juveniles who have not received driver training; improper use of mopeds causes serious traffic problems, as well as unnecessary accidents; the Police Department has investigated moped accidents which would have been preventable with proper operation of the moped; due to lack of a registration system for mopeds, the Police Department continues to experience difficulty investigating reported thefts of mopeds; and mopeds are often used as a method of trafficking drugs.

It was further advised that the Code of Virginia, Sections 15.2-1720 and 46.2-915.2 enable municipalities to implement local regulations governing the operation and registration of mopeds; the City Attorney has drafted an ordinance which provides for regulation of mopeds and electric power assisted bicycles, which will help the Police Department to track the operation and ownership of mopeds, especially those that are operated recklessly, or used in illegal drug trade; and implementation of the ordinance will be July 1, 2003, with an effective date to be delayed for 60 days, to allow for effective registration and education.

It was explained that the proposed ordinance requires receiving monies and processing paperwork associated with a \$5.00 registration fee for the moped; when a registration is changed from one person to another, or from one moped to another, a fee of \$5.00 will be imposed; when a number plate or tag is issued to replace one that has been mutilated, lost, stolen or misplaced, a fee of \$1.00 will be imposed;

when any police officer, or other officer charged with the duty of enforcing the ordinance, discovers an unregistered moped in any public place in the possession or control of any person, the officer may take custody of such moped for impoundment; impounded mopeds will be released only after showing satisfactory proof of ownership, payment of \$5.00 for storage charges, and proper registration and display of a tag or number plate by the owner or an agent of the owner; and fees will be collected for the purpose of defraying costs and expenses incident to registration of mopeds and complying with provisions of Chapter 20, Motor Vehicles and Traffic.

The City Manager recommended that the Code of the City of Roanoke (1979), as amended, be amended, by adding a new Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles to Chapter 20, Motor Vehicles and Traffic; and authorize the City Treasurer and the Police Department to establish procedures for the registration of mopeds.

Mr. Fitzpatrick offered the following ordinance:

(#36380-061603) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by adding a new Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, to Chapter 20, Motor Vehicles and Traffic; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 399.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36380-061603. The motion was seconded by Mr. Dowe.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of the proposed ordinance. He stated that he has observed young people under the age of 16 riding mopeds, and encouraged enactment of a fine for violation of the ordinance and that parents be held responsible for violations.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke in support of the proposed ordinance, which is long over due and addresses a serious problem in the City of Roanoke. He commended the City on installing bike lanes on Memorial Bridge and spoke in support of expanding bike lanes, specifically on Wasena Bridge which is a main access to Wiley Drive; however, he stated that signs have been erected prohibiting bicycles, although it is not clear whether the signs apply to the bridge itself. Therefore, he inquired if bikes can be walked across Wasena Bridge, or would a bicyclist be subject to a fine for walking their bicycle on the sidewalk.

In a discussion of the matter, the City Manager advised that if a police officer observes a violation of the proposed ordinance, the individual could be issued a summons, regardless of residency location. She stated that the issue could be both over regulated and under regulated, the registration fee is nominal and far less than the City's cost to institute the program, the goal is to ensure the safety of individuals operating mopeds, and to ensure that if there is a problem with a particular moped in a particular neighborhood, the City would be in a position to better identify the individual who owns the moped and address the problem on the neighborhood streets. She suggested that Council adopt the proposed ordinance, as drafted, and if further refinement is needed, based upon the City's experience in actually administering the ordinance, the City administration will propose amendments for consideration by the Council.

Question was raised by Mr. Bestpitch as to whether there has been any discussion on State wide registration requirements in which each locality would require every operator to register and to carry some form of identification that would indicate the operator's age and place of residence.

The City Manager advised that she was not aware of any discussion on the topic; however, Mr. Bestpitch, in his role as Chair of the City's Legislative Committee, could initiate discussion. She stated that mopeds are a relatively new phenomina in terms of the latest type of recreational vehicle, and while the City reviewed ordinances adopted by other jurisdictions, it is not viewed as a State wide issue, although the City could lobby for such and, through various regional meetings and other forms of communication, could encourage other localities in the Roanoke Valley to adopt similar regulations.

There was discussion with regard to enacting a requirement that operators carry identification when operating a moped which would reflect age and residency status; whereupon, the City Attorney advised that he would research the question and advise Council accordingly.

Questions were raised regarding the requirement of proof of ownership when applying for a registration; whereupon, the City Attorney advised that titles are not issued for mopeds by the Division of Motor Vehicles. He stated that in administering the ordinance, the Police Department will be able to determine if there are problems with persons falsely claiming ownership.

Ordinance No. 36380-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch
and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-HUMAN DEVELOPMENT-YOUTH: The City Manager submitted a communication advising that the Comprehensive Services Act (CSA) established in 1993, provides residential and non-residential treatment services to troubled and at-risk youth and their families through a collaborative system of State and local agencies, parents and private sector providers; services include mandated foster care, certain special education services, and foster care prevention; and CSA also provides services to certain targeted non-mandated populations.

It was further advised that CSA expenditures are projected at \$8,972,339.00, which exceed the CSA appropriation of \$8,400,000.00 by \$572,339.00 and require an additional local share of \$175,823.00; \$396,516.00 of the additional expense will be reimbursed by the State; and expenditures are over budget due to an increase in the number of children requiring intensive specialized foster care.

The City Manager recommended that Council take the following actions:

Increase the General Fund Revenue estimate by \$396,516.00 to CSA
Revenue, Account No. 001-110-1234-0692

Transfer funds in the amount of \$175,823.00 for the local share from
Personnel Lapse, Account No. 001-300-9410-1090.

Appropriate funding in the amount of \$572,339.00 to the following
accounts:

001-630-5410-3182	\$343,403.00
001-630-5410-3191	<u>228,936.00</u>

Mr. Dowe offered the following budget ordinance:

(#36381-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 411.)

Mr. Dowe moved the adoption of Ordinance No. 36381-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

VIRGINIA MUNICIPAL LEAGUE-BUDGET: The City Manager submitted a communication advising that the City of Roanoke will host the 2003 Virginia Municipal League Annual Conference on October 19 - 21, 2003, and a team of City staff is planning a memorable event for Conference attendees; the Conference was previously held in Roanoke in 1996 and 1998 and, on both occasions, expenses totaled approximately \$50,000.00, with a similar budget to be established for the 2003 event; and the Virginia Municipal League will provide \$15,000.00 in financial support to the City of Roanoke as the host locality.

The City Manager recommended that Council transfer \$35,000.00 from Account No. 001-300-9410-2198 to a new multi-year account to be established in the Civic Facilities Fund by the Director of Finance; establish a revenue estimate of \$15,000.00 for financial support from the Virginia Municipal League and appropriate an additional \$15,000.00 to the same multi-year account, for a total budget of \$50,000.00.

Mr. Dowe offered the following budget ordinance:

(#36382-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Civic Center Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 412.)

Mr. Dowe moved the adoption of Ordinance No. 36382-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Council Member Wyatt called attention to Roanoke Star baskets and Virginia baskets that are manufactured by Goodwill Industry employees which would make ideal and symbolic gifts for VML guests and for use on other City occasions, while assisting a certain segment of citizens who reside in the Roanoke Valley.

BUDGET-GRANTS-TREES: The City Manager submitted a communication advising that on April 21, 2003, Council adopted the Urban Forestry Plan as an Element of Vision 2001-2020, which is a ten-year plan designed to help the City manage its urban forest for maximum benefit of the City's environment, economy, and quality of life.

It was further advised that the Plan was prepared with financial assistance from the Virginia Department of Forestry; in March 2003, the City applied for additional funding from the Department of Forestry to fund the first year of Plan implementation; on April 18, 2003, the City was notified by the Virginia Department of Forestry that a \$15,000.00 grant will be awarded to the City, upon completion of a Memorandum of Agreement; and the grant will allow for continuation of the temporary Urban Forestry Planner position on a part-time basis until May 15, 2004, who will continue to work with the City's Urban Forester in the Department of Parks and Recreation.

It was explained that the \$15,000.00 Urban and Community Forestry Grant is a Federal grant, sponsored by the National Forest Service and administered by the Virginia Department of Forestry; funds are awarded on a reimbursement basis after verification of the local match; the majority of the City's matching funds will be 680 hours of staff time (\$15,075.00) provided by the Urban Forester; for the remainder of the match, the City will provide \$2,804.00 in temporary wages for 180 hours of work by the temporary Urban Forestry Planner, in addition to \$2,200.00 for printing of the Plan; and project activities to be undertaken include: (a) Community

Outreach - public/private partnerships and community involvement; (b) Ordinance Revisions and Administration - revision of the public tree ordinance and applicable sections of the Zoning Ordinance; and (c) Tree Planting and Protection - tree planting, forest preservation, interdepartmental cooperation, and work with other government agencies and major property owners.

The City Manager recommended that Council accept the Urban and Community Forestry Grant, in the amount of \$15,000.00, and authorize the City Manager and the City Clerk to execute and attest, respectively, an agreement with the Virginia Department of Forestry and any other forms necessary to accept such grant, to be approved as to form by the City Attorney; and appropriate \$15,000.00 in Federal funding and establish a corresponding revenue estimate in an account to be established by the Director of Finance in the Grant Fund.

Mr. Cutler offered the following budget ordinance:

(#36383-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 414.)

Mr. Cutler moved the adoption of Ordinance No. 36383-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36384-061603) A RESOLUTION accepting the Urban and Community Forestry Grant from the Virginia Department of Forestry, and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 67, page 415.)

Mr. Dowe moved the adoption of Resolution No. 36384-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-PARKS AND RECREATION-GRANTS-YOUTH: The City Manager submitted a communication advising that the City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through the Parks and Recreation Youth Services Division supervised Summer Nutrition Program; breakfast and lunch is provided to children throughout the City from mid-June through early August, with more than 2,600 children/youth having received lunch and/or breakfast on a daily basis at 19 sites during the summer of 2002; in 2003, four sites were added with two other sites pending, and snacks will be offered during two special after-summer-school programs that will operate until 5:30 p. m.

It was further advised that local funds, in the amount of \$20,000.00, are available in the fiscal year 2003 Parks and Recreation Youth Services Division's budget, Account No. 001-620-8170-2034; additional local funds, in the amount of \$20,000.00, have been appropriated in the fiscal year 2004 General Fund in the Parks and Recreation Youth Services Division budget, Account No. 001-620-8170-2034; and local funds will be used to provide staffing and program materials.

It was explained that funds for the program are provided through the United States Department of Agriculture Food and Nutrition Service; the program is similar in concept to the National School Lunch Program, with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year; the purpose of the program is to provide nutritionally balanced, healthy meals to children ages 1 - 18 and those with special needs; adult, summer staff will manage the program, with youth hired to assist at food service sites; and the City is reimbursed on a per meal basis.

The City Manager recommended that Council accept the Summer Food Program grant, in the projected amount of \$143,315.00, and authorize the City Manager and the City Clerk to execute and attest respectively an agreement with the United States Department of Agriculture Food and Nutrition Services and any other forms necessary to accept such grant, to be approved as to form by the City

Attorney; appropriate \$143,315.00 in Federal funding and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund; and transfer funding in the amount of \$20,000.00 from fiscal year 2003, Account No. 001-620-8170-2034, and \$20,000.00 from fiscal year 2004, Account No. 001-620-8170-2034, in the Parks and Recreation Youth Services Division to the above established accounts.

Mr. Dowe offered the following budget ordinance:

(#36385-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 416.)

Mr. Dowe moved the adoption of Ordinance No. 36385-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following budget ordinance:

(#36386-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 418.)

Mr. Dowe moved the adoption of Ordinance No. 36386-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Bestpitch offered the following resolution:

(#36387-061603) A RESOLUTION authorizing acceptance of a grant from the United States Department of Agriculture Food and Nutrition Service on behalf of the City to provide nutritionally balanced, healthy meals for children and youth during the summer months, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 67, page 419.)

Mr. Bestpitch moved the adoption of Resolution No. 36387-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-CITY EMPLOYEES-PERSONNEL LAPSE FUNDS: The City Manager submitted a communication advising that the fiscal year 2002-2003 General Fund budget includes funds in the nondepartmental expenditure category for several personnel related accounts, which are budgeted at estimated amounts in the nondepartmental cost center since annual charges of each department are difficult to accurately predict; and actual costs are charged to departments in anticipation of year-end budget transfers to cover the costs.

It was further advised that salary lapse is one of the items included in the nondepartmental category, which is the difference in budgeted City employee salaries and actual salaries; the lapse is created through normal employee attrition and managed hiring efforts undertaken during the year by City staff; and at year-end, salary lapse created in departments is credited against the budgeted total salary lapse, and any excess salary lapse generated is spread throughout the various departments to cover additional personnel and operational needs.

It was noted that operational allocations using excess lapse include \$175,823.00 in additional local share funding for the Comprehensive Services Act program, which is recommended to Council in a separate report, \$135,000.00 for snow removal activities and \$318,620.00 for additional billings to General Fund departments for services provided by Internal Service Fund departments, such as Fleet Management and Risk Management; and other operational uses of personnel lapse are individually below \$50,000.00.

It was stated that Workers' Compensation is also initially budgeted in the nondepartmental category; funding has been budgeted as a lump sum in the non-departmental category in the General Fund to cover workers' compensation wages and medical expenses; like other personnel related budgets, workers' compensation budgets are established, non-departmentally, due to the difficulty of predicting which departments will incur these expenses and to what extent; and a proposed budget ordinance will allocate the amount in the nondepartmental cost center to those departments that have incurred actual costs.

It was further stated that the fiscal year 2002-2003 General Fund budget also included funds in the non-departmental category to cover annual expenditures for unemployment wages, extended illness leave payments, and termination leave wages, as well as an anticipated increase in health and dental insurance, which budgets should be allocated to appropriate departmental accounts in the same manner as salary lapse and workers' compensation.

The City Manager recommended that Council authorize transfer of funds between accounts and the use of excess budgeted personal services.

Mr. Dowe offered the following budget ordinance:

(#36388-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 420.)

Mr. Dowe moved the adoption of Ordinance No. 36388-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BRIDGES: The City Manager submitted a communication advising that the 1978 Surface Transportation Act enacted by Congress requires that all bridges, including "off Federal Aid System" structures, must be included in the annual inspection program; bridge inspection reports are required on 62 structures in the City of Roanoke this year; and 28 structures are inspected annually, 34 structures are inspected bi-annually, and one tunnel also needs to be inspected.

It was further advised that Council awarded contracts on June 17, 2002, to Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., for the three year Bridge Inspection Program, with years two and three to be negotiated based on the number of structures to be inspected in each of those subsequent years; Hayes, Seay, Mattern & Mattern, Inc., has agreed to inspect 31 bridges and one tunnel, at a cost of \$57,000.00 for year two; Mattern & Craig, Inc., has agreed to inspect 31 bridges, at a cost of \$55,900.00 for year two; and funding in the amount of \$112,900.00 is available for the second year amendment in Account No. 001-530-4310-3072 in the fiscal year 2003-04 budget.

The City Manager recommended that she be authorized to execute separate Amendments No. 1 for consulting services with Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Mattern, Inc., in the amounts of \$57,000.00 and \$55,900.00, respectively, for the second year (2003) for bridge and tunnel inspection services, which contracts may be extended for one additional one-year term upon mutual agreement of the parties, at a fee agreed to by the parties based on the number of structures to be inspected.

Mr. Dowe offered the following resolution:

(#36389-061603) A RESOLUTION authorizing the City Manager's issuance of Amendment No. 1 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for additional engineering services for the inspections of 31 bridges and one tunnel (underpass).

(For full text of Resolution, see Resolution Book No. 67, page 424.)

Mr. Dowe moved the adoption of Resolution No. 36389-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Fitzpatrick offered the following resolution:

(#36390-061603) A RESOLUTION authorizing the City Manager's issuance of Amendment No. 1 to the City's contract with Mattern & Craig, Inc., for additional engineering services for the inspection of 31 bridges.

(For full text of Resolution, see Resolution Book No. 67, page 424.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36390-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

CITY CODE-SEWERS AND STORM DRAINS-WATER RESOURCES: The City Manager submitted a communication advising that recent changes to the City's ordinance regarding sewer extensions permit the use of private pump stations for properties that cannot be served by gravity sewer; the proposed ordinance revision delineates maintenance responsibilities for pump stations and associated force mains on private property and provides a mechanism for future home buyers to be notified of this responsibility; and the following amendment is proposed:

(c) If a house or building is constructed at an elevation that does not permit gravity flow into the public sewer system, a private pumping facility shall be constructed for such house or building. The pumping facility shall be located on private property, with a private pressure-

sewer service line connecting such facility with the public sewer main. It shall be the responsibility of the owner to maintain the pumping facility and related lines on the owner's property. No permit to use such facility shall be issued until such time as there is recorded in the Office of the Clerk of Circuit Court a maintenance agreement between the owner and the City, whereby the owner and the owner's heirs, grantees, successors in interest, and assigns, agree to maintain such facilities.

The City Manager recommended that Council adopt a measure approving the proposed amendment.

Mr. Fitzpatrick offered the following ordinance:

(#36391-061603) AN ORDINANCE amending and reordaining Section 26-8, Extension of sanitary sewers within city, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, Code of the City of Roanoke (1979), as amended, requiring the recordation of maintenance agreements prior to the issuance of permits to use sewer systems utilizing private pumping facilities; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 425.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36391-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-REFUSE COLLECTION-ENVIRONMENTAL POLICY: The City Manager submitted a communication advising that the City of Roanoke has sponsored five Household Hazardous Waste Collection Days since May 2000, drawing residents from throughout the Roanoke Valley and utilizing Community Projects accounts set aside for compliance with the Consent Order between the Virginia Department of Environmental Quality and the City of Roanoke which was signed in February 2000, and neighboring local governments have made financial contributions to several of

these events; the Office of Environmental and Emergency Management is working to continue the program, and fund the program after fulfilling provisions of the Consent Order (anticipated by Winter 2003) and has requested additional contributions for the next fiscal year from neighboring jurisdictions; and the City of Roanoke's portion is \$31,327.00 and will come from NPDES Account No. 008-530-9736.

It was further advised that the following is a breakdown of the contributions for Hazardous Waste Collection Day which is expected to be held in the Fall of 2003:

Roanoke County	\$ 7,500.00
City of Salem	1,500.00
Town of Vinton	<u>1,000.00</u>
	\$10,000.00

The City Manager recommended that Council appropriate \$10,000.00 to be received from other jurisdictions to revenue and expenditure accounts to be established by the Director of Finance in the Capital Projects Fund; and transfer funds totalling \$31,327.00 from NPDES, Account No. 008-530-9736, to the newly established account.

Mr. Cutler offered the following budget ordinance:

(#36392-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 428.)

Mr. Cutler moved the adoption of Ordinance No. 36392-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

AIRPORT: The City Manager submitted a communication advising that during the past year, the Roanoke Regional Chamber of Commerce and the Roanoke Regional Airport Alliance have been working to determine the feasibility of bringing a low-fare airline to the Roanoke Regional Airport; and a low-fare carrier would decrease the costs associated with flying from Roanoke Regional Airport, increase the economic competitiveness of the region, and provide more access to key hubs, such as Atlanta and New York.

It was further advised that the Alliance contracted with SH&E International Air Transport Consultancy to conduct an initial profile of domestic low-fare carriers, and AirTran Airways has been recommended as the candidate best suited to provide low-fare service to Roanoke; AirTran provides service using the Boeing 717, a new full-size commercial aircraft that can carry up to 117 passengers and has its main hub of operation in Atlanta; a campaign sponsored by the Alliance is now underway to bring AirTran to Roanoke; the initial phase of the recruitment process is designed to demonstrate local demand for a low-fare domestic air carrier; and local businesses and governments that fly out of Roanoke are being asked to make a good faith pledge of support by committing to utilize AirTran for at least 50 per cent of their estimated business air travel.

It was explained that during the past 12 months, Roanoke's business air travel has amounted to approximately \$25,000.00; a 50 per cent commitment would mean a pledge of \$12,500.00 in air travel to AirTran; Roanoke County has made a similar pledge; and funding for Roanoke's commitment is provided in various departmental operating budgets for training and development.

The City Manager recommended that Council approve a pledge of 50 per cent of Roanoke's business air travel to AirTran, and authorize the City Manager to submit the necessary pledge documents to the Roanoke Regional Airport Alliance.

Mr. Fitzpatrick offered the following resolution:

(#36393-061603) A RESOLUTION expressing the City of Roanoke's intent to pledge 50 per cent of Roanoke's business air travel to AirTran; and authorize the City Manager to complete and submit the necessary pledge documents to the Roanoke Regional Airport Alliance.

(For full text of Resolution, see Resolution Book No. 67, page 429.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36393-061603. The motion was seconded by Ms. Wyatt.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke in support of better air service for the Roanoke Valley; however, he expressed concern with regard to the history of AirTran as it relates to a number of other cities similar to Roanoke where AirTran operated for the term of the contract, did not meet its projected goals and revenues, and moved on. He stated that other air carriers that were left in the market were severely damaged, which could happen in the Roanoke Valley as well. He inquired if the City is familiar with the details and history of AirTran operations in other markets.

The City Manager advised that AirTran has been successful in the Commonwealth of Virginia in expanding air service, however, it should be noted that no other airline that is willing to offer a cheaper service and more frequent service through a travel bank will be excluded; and other cities have been successful in attracting multiple low cost carriers with this approach.

Resolution No. 36393-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

CITY ATTORNEY:

CITY CODE: The City Attorney submitted a written report advising that since 1982, Council has reenacted and recodified the City Code on an annual basis, in order to properly incorporate amendments in the Code made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code; the procedure ensures that ordinances codified in Roanoke's Code incorporate the most recent amendments to State law; incorporation by reference is frequently utilized in local codes to preclude having to set out lengthy provisions of State statutes in their entirety; and, in addition, the technique ensures that local ordinances are always consistent with State law as is generally required.

It was further advised that the procedure whereby a local governing body incorporates State statutes by reference after action of the General Assembly has been approved by the Attorney General; whereupon, the City Attorney recommended that Council adopt an ordinance to readopt and reenact the Code of the City of Roanoke (1979). He explained that if the ordinance is not adopted, City Code sections incorporating provisions of the State Code amended at the last Session of the General Assembly may not be deemed to include the recent amendments and may be impermissibly inconsistent which could result in the dismissal of criminal prosecutions under these City Code sections.

Mr. Dowe offered the following ordinance:

(#36394-061603) AN ORDINANCE to readopt and reenact the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 430.)

Mr. Dowe moved the adoption of Ordinance No. 36394-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

REPORTS OF COMMITTEES:

BUDGET-GRANTS-SCHOOLS: A report of the Roanoke City School Board requesting authorization to close-out 52 school grants, with total outlays amounting to \$14,449,240.24, and revenues provided for the grants are as follows:

Federal funds - \$8,927,905.65
State funds - \$2,563,051.90
Fees and donations - \$877,708.40
Local match - \$2,080,574.29

A report of the Director of Finance recommending that Council concur in the request was also before the body.

Ms. Wyatt moved that Council concur in the request of the School Board. The motion was seconded by Mr. Cutler and adopted.

BUDGET-SCHOOLS: A report of the Roanoke City School Board requesting appropriation of funds to the following school accounts, was before Council.

\$242,500.00 from the fiscal year 2002-03 Capital Maintenance and Equipment Replacement Fund for construction of a bus washing building and equipment at the new Transportation Facility.

\$169,550.00 for the Addison Community Learning Center for fiscal year 2003-04 to address critical attendance, academic, and parental involvement needs of the community in a safe, supervised, and nurturing environment. This continuing program is 100 per cent reimbursed by Federal funds.

\$460,118.00 for the Blue Ridge Technical Academy for fiscal 2003-04 to provide a business and technical education training program for a diverse population of students. This continuing program is funded with State aid monies, a State ISAEP grant, alternative education matching funds, facility lease matching funds, local matching funds, and Federal grant receipts.

A report of the Director of Finance recommending that Council concur in the request of the School Board was also before the body.

Mr. Dowe offered the following budget ordinance:

(#36395-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 432.)

Mr. Dowe moved the adoption of Ordinance No. 36395-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Fitzpatrick offered the following budget ordinance:

(#36396-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 433.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36396-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: Council at its meeting on Monday, June 2, 2003, having tabled a resolution providing for reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates, Mr. Cutler moved that the resolution be taken from the table. The motion was seconded by Mr. Dowe and adopted.

Resolution No. 36397 was again before the Council.

Inasmuch as the item was not listed on the printed agenda, Mr. Bestpitch suggested that Council entertain discussion/public comment.

Mr. Bestpitch moved that paragraph 5 of the proposed resolution be amended to delete the following "...at least four of whom shall be selected from the current membership of the RNPSC" and insert the following: "In order to establish the RNA this Council shall select seven (7) of the initial appointees, at least five (5) of whom shall be from the current membership of the RNPSC, and the initial seven (7) appointees selected by this Council shall select the remaining six (6) members of the RNA." He explained that there may not be enough active members of the RNPSC for the Council to select five and allow for the RNA to select an additional four members. The amendment to the resolution was seconded by Mr. Cutler and adopted.

Carl Cooper, current Chair, Roanoke Neighborhood Partnership Steering Committee, spoke in support of the proposed resolution. He stated that the resolution is worthy of support, since creation of the Roanoke Neighborhood Advocates will continue Roanoke's commitment to its neighborhoods in a tangible manner; the RNA will continue the tradition and legacy of cooperative teamwork established by founders of the steering committee; and the resolution mandates that the RNA will serve as an advocate for neighborhoods, which addresses a major theme that was heard during the two public hearings of the Ad Hoc Study Committee. He stated that the resolution clearly provides that the RNA will work cooperatively with the City, businesses and other organizations and establishes the RNA as a standing committee of the City.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that it would appear that some of the most reliable and outspoken neighborhood leaders in the Roanoke Neighborhood Partnership were not aware that the item would be considered by Council at today's meeting, therefore, there appears to be a question of equity in advising all interested persons. She called attention to concerns regarding the method of appointment which provides that Council will appoint a majority of the membership of the RNA.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., expressed concern that Council will appoint a majority of the membership of the RNA, when the role of the committee is to serve as an advocacy group for neighborhoods and citizens. He expressed further concern that politics could be an issue because an outspoken

critic on various issues may not be appointed to serve. Therefore, he suggested that a majority of the membership of the RNA be appointed by the committee instead of City Council.

Following further discussion, Resolution No. 36397-061603 was adopted by the following vote:

AYES: Council Members Cutler, Bestpitch, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

CITY EMPLOYEES: Council Member Wyatt requested a report on the percentage of turnover in City departments over the past three years, in both management and staff positions.

BUDGET-CITY EMPLOYEES: Council Member Wyatt called attention to the City's new overtime policy and certain alleged instances when staff who qualify for overtime pay earn more than supervisors who do not qualify for overtime pay. She requested that inequities, if any, be reviewed by the City Manager.

POLICE DEPARTMENT-NEWSPAPERS-SCHOOLS: Council Member Wyatt called attention to recent newspaper articles regarding violence in the schools, which is an emotionally charged issue. She requested that the City Manager ensure that City of Roanoke police officers are treated fairly as the issue is addressed.

CITY CODE-ZONING-ANIMALS/INSECTS-COMPLAINTS-NUISANCES: Council Member Bestpitch referred to a situation where a homeowner is maintaining an excessive number of pets in a private residence in the City of Roanoke. He requested that the City Attorney comment on City Code provisions relating to the number of cats and dogs that may be legally kept in a single family residence.

The City Attorney advised that the City of Roanoke is one of only a few localities that has placed numerical limits on the number of dogs and cats per household, and laws currently on the books are satisfactory to address the issue. (See Sec. 6-27, Code of the City of Roanoke (1979), as amended.) He advised that the situation referenced by Mr. Bestpitch is difficult to address for a number of reasons, however, if the case is prepared and presented properly and if the legal system follows the City's regulatory ordinance, the matter should be satisfactorily resolved.

U.S. CONFERENCE OF MAYORS-ACTS OF ACKNOWLEDGEMENT-WATER RESOURCES: The Mayor announced that the City of Roanoke is the recipient of the Outstanding Achievement Award in the 2003 City Livability Awards Program – Every Drop Counts Program, sponsored by the United States Conference of Mayors and Waste Management. He stated that the City received the award as a result of the combined efforts of City Council, City staff and citizens of the City of Roanoke.

ACTS OF ACKNOWLEDGMENT-HOUSING/AUTHORITY: Council Member Cutler called attention to a reception which was held earlier in the day by the Blue Ridge Housing Development Corp., in celebration of the 100th first time home buyer to use the Single Family Regional Loan Fund administered by Blue Ridge Housing Development Corp. and Wachovia.

ACTS OF ACKNOWLEDGMENT-DOWNTOWN ROANOKE, INCORPORATED-CENTER IN THE SQUARE: Council Member Fitzpatrick called attention to a recent Center in the Square advertising campaign, and advised that the success of downtown Roanoke is due to the efforts of numerous persons/organizations, all working in a concerted effort. He stated that it is hoped that the leadership of Center in the Square will continue to work with the City of Roanoke and others in the further development of downtown Roanoke.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

ANIMALS/INSECTS-COMPLAINTS-NUISANCES: Ms. Faye Rothrock, 621 Walnut Avenue, S. W., complained about a neighbor who has in excess of 57 cats and dogs in her home in old southwest Roanoke. She called attention to unfavorable living conditions due to odor from feces and urine and noise from barking dogs. She stated that the problem has been ongoing for approximately 12 years, despite attempts by residents of the area to address the situation through the Health Department, various City departments, and the court system. She advised that the Commonwealths' Attorney has instructed residents to engage in civil action; however, they do not wish to do so because the individual suffers from a disorder that causes her to hoard animals.

Ms. Debbie Stevens, 607 Walnut Avenue, S. W., advised that she is surprised, appalled and confused because residents of the area have gone to court with their concerns and nothing has been done to correct the situation. She stated that for ten years she has written letters, gone through the legal system, and talked with City and State officials about the situation, and it is difficult to understand why the laws

are not enforced. She added that she cannot enjoy the privacy of her home because of noise from barking dogs, or open the windows to her home because the odor is unbearable, and her yard is used as a litter box or place for both dogs and cats to shed their feces and urine. She inquired as to the status of a proposal that was developed last year to assist the individual in reducing the number of animals from her home so as not to be in violation of the City's animal control ordinance, which proposal involved the League of Animal Protection and the local SPCA, by removing five animals per week from the home, attending to their physical needs, and placing the animals in new homes.

Ms. Dorie Howard, 627 Walnut Avenue, S. W., played an audio tape of barking dogs from the residence in question, in order to demonstrate the level of noise that residents of the area are subjected to on a daily basis. She stated that residents are frustrated and they do not understand why no action has been taken by the City, and residents are concerned about the method of disposal of dead animals. She requested that the City intercede and provide assistance to correct a situation that is ruining the neighborhood and the quality of life of its residents.

ACTS OF ACKNOWLEDGMENT-SCHOOLS: Mr. Chris Craft, 501 East Gate Avenue, N. E., spoke in support of an elected School Board for the City of Roanoke. He requested that the City host an activity in recognition of the service of Delegates A. Victor Thomas and Clifton A. Woodrum, III.

CITY MANAGER COMMENTS: NONE.

Council Member Dowe left the meeting.

At 4:35 p.m., the Mayor declared the meeting in recess for one Closed Session.

At 5:25 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, with the exception of Vice-Mayor Harris and Council Member Dowe, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris was absent.) (Council Member Dowe left the meeting prior to the Closed Session.)

COMMITTEES-LIBRARIES-OATHS OF OFFICE: The Mayor advised that there are three vacancies on the Roanoke Public Library Board, due to expiration of the terms of office of Michael L. Ramsey, Brooke M. Parrott and the ineligibility of Rochelle S. Nolan to serve another term; whereupon, he opened the floor for nominations.

Mr. Cutler placed in nomination the name of Wilburn C. Dibling, Jr.

Ms. Wyatt placed in nomination the names of Michael L. Ramsey and Brooke M. Parrott.

There being no further nominations, Mr. Dibling was appointed and Mr. Ramsey and Ms. Parrott were reappointed, as members of the Roanoke Public Library Board, for terms ending June 30, 2006, by the following vote:

FOR MESSRS. DIBLING AND RAMSEY AND MS. PARROTT: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

COMMITTEES-ROANOKE ARTS COMMISSION-OATHS OF OFFICE: The Mayor advised that the three year terms of office of Charles E. Jordan, George Kegley, Susanna Koerber, Kathleen W. Lunsford and Courtney A. Penn as members of the Roanoke Arts Commission, will expire June 30, 2003; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Cutler placed in nomination the name of William B. Hopkins.

Ms. Wyatt placed in nomination the names of Charles E. Jordan, George Kegley, Susanna Koerber, Kathleen W. Lunsford, and Courtney A. Penn.

There being no further nominations, Mr. Hopkins was appointed, and Messrs. Jordan and Kegley, Ms. Koerber and Ms. Lunsford were reappointed for terms ending June 30, 2006, and Mr. Penn was reappointed for a term ending June 30, 2004, as members of the Roanoke Arts Commission, by the following vote:

FOR MESSRS. HOPKINS, JORDAN, KEGLEY, PENN, MS. KOERBER AND MS. LUNSFORD: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

COMMITTEES-SCHOOLS-OATHS OF OFFICE: The Mayor advised that the four year term of office of Michael F. Urbanski as a member of the Virginia Western Community College, Board of Directors, will expire on June 30, 2003;, whereupon, he called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Michael F. Urbanski.

There being no further nominations, Mr. Urbanski was reappointed as a member of the Virginia Western Community College, Board of Directors, for a term ending June 30, 2007, by the following vote:

FOR MR. URBANSKI: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

COMMITTEES-PERSONNEL DEPARTMENT-OATHS OF OFFICE: The Mayor advised that the three year term of office of Virginia B. Stuart as a member of the Personnel and Employment Practices Commission will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Virginia B. Stuart.

There being no further nominations, Ms. Stuart was reappointed as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2006, by the following vote:

FOR MS. STUART: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

POLICE DEPARTMENT-COMMITTEES-TOWING CONTRACT-OATHS OF OFFICE: The Mayor advised that the three year terms of office of Thomas A. Wood and Harold F. Wallick as members of the Towing Advisory Board will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the names of Thomas A. Wood and Harold F. Wallick.

There being no further nominations, Messrs. Wood and Wallick were reappointed as members of the Towing Advisory Board, for terms ending June 30, 2006, by the following vote:

FOR MESSRS. WOOD AND WALLICK: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

Inasmuch as Mr. Wood is not a Roanoke City resident, by consensus of the Council, the City residency requirement was waived.

COMMITTEES-GREENWAY SYSTEM-OATHS OF OFFICE: The Mayor advised that the three year term of office of Lucy R. Ellett as a member of the Roanoke Valley Greenway Commission will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Lucy R. Ellett.

There being no further nominations, Ms. Ellett was reappointed as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2006, by the following vote:

FOR MS. ELLETT: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

COMMITTEES-COURT COMMUNITY CORRECTIONS BOARD-OATHS OF OFFICE: The Mayor advised that the two year term of office of Clifford R. Weckstein as a member of the Court Community Corrections Program Regional Community Criminal Justice Board will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Clifford R. Weckstein.

There being no further nominations, Mr. Weckstein was reappointed as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2005, by the following vote:

FOR MR. WECKSTEIN: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

COMMITTEES-FLOOD REDUCTION/CONTROL: The Mayor advised that the one year terms of office of Lucian Y. Grove, Bill Tanger, Mack D. Cooper, II, Dennis Tinsley, Edgar Wheeler and Read A. Lunsford as members of the Flood Plain Committee, will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Lucian Y. Grove, Bill Tanger, Mack D. Cooper, II, Dennis Tinsley and Read A. Lunsford.

There being no further nominations, Messrs. Grove, Tanger, Cooper, Tinsley and Lunsford were reappointed as members of the Flood Plain Committee, for terms ending June 30, 2004, by the following vote:

FOR MESSRS. GROVE, TANGER, COOPER, TINSLEY AND LUNSFORD: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

COMMITTEES-WAR MEMORIAL: The Mayor advised that the one year terms of office of Alfred C. Moore, Robert O. Gray, Harold H. Worrell, Sr., and Philip C. Schirmer as members of the War Memorial Committee will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Alfred C. Moore, Robert O. Gray, Harold H. Worrell, Sr., and Philip C. Schirmer.

There being no further nominations, Messrs. Moore, Gray, Worrell and Schirmer were reappointed as members of the War Memorial Committee, for terms ending June 30, 2004, by the following vote:

FOR MESSRS. MOORE, GRAY, WORRELL AND SCHIRMER: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

PARKS AND RECREATION-COMMITTEES: The Mayor advised that the one year terms of office of Steven Higgs, Richard Clark and Betty Field as members of the Mill Mountain Advisory Committee will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancies

Ms. Wyatt placed in nomination the names of Steven Higgs, Richard Clark and Betty Field.

There being no further nominations, Messrs. Higgs, Clark and Ms. Field were reappointed as members of the Mill Mountain Advisory Committee, for terms ending June 30, 2004, by the following vote:

FOR MESSRS. HIGGS, CLARK AND MS. FIELD: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP-OATHS OF OFFICE: The Mayor advised that Resolution No. 36397-061603 adopted by Council on June 16, 2003, provides for appointment of the Roanoke Neighborhood Advocate; whereupon, he opened the floor for nominations.

Ms. Wyatt placed in nomination the names of Robin Murphy-Kelso, Bob R. Caudle, Shirley M. Bethel, Carl D. Cooper, Richard J. Nichols and Joseph A. Schupp.

(See July 7, 2003 minutes for terms of office.)

There being no further nominations, Messrs. Caudle, Cooper, Nichols, Schupp, Ms. Murphy-Kelso and Ms. Bethel were appointed as members of the Roanoke Neighborhood Advocates by the following vote:

FOR MESSRS. CAUDLE, COOPER, NICHOLS, SCHUPP, MS. MURPHY-KELSO AND MS. BETHEL: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

At 5:30 p.m., the Mayor declared the meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, June 16, 2003, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, and Mayor Ralph K. Smith-----6.

ABSENT: Vice-Mayor C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Mayor Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of First Church of God that a tract of land located at 5008 Hildebrand Road, N. W., identified as Official Tax No. 2201401, be rezoned from RS-3, Residential Single-family District, to C-1, Office District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 30, 2003 and Friday, June 6, 2003.

A report of the City Planning Commission advising that the subject property is a 1.29-acre parcel of land bounded by Hildebrand Road, Curtis Avenue, Hubert Road and Whitney Avenue, N. W.; a building housing the First Church of God and a single-family detached dwelling used for the church parsonage are located on the subject property; and the rezoning request is a result of the proposal of the Church to expand its facilities on the site.

The City Planning Commission recommended that Council approve the request for rezoning, as amended by the additional proffer of a brick facade, and advised that given the proffered conditions of the petition relative to maintaining the integrity of the adjacent residential neighborhood by specifically addressing site development, landscaping, and permitted use issues, the City Planning Commission is of the opinion that the rezoning is appropriate.

Mr. Dowe offered the following ordinance:

(#36398-061603) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 220, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 438.)

Mr. Dowe moved the adoption of Ordinance No. 36398-061603. The motion was seconded by Mr. Cutler.

Maryellen F. Goodlatte, Attorney, appeared before Council in support of the request of her client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36398-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of VHF, LLC, a Virginia limited liability company, that a tract of land located at 1736 Grandin Road, S. W., Official Tax No. 1440705, be rezoned from RM-2,

Residential Multi-family, Medium Density District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 30, 2003 and Friday, June 6, 2003.

The City Planning Commission submitted a written report advising that the subject property is a corner lot located at the intersection of Grandin Road and Sherwood Avenue, S. W.; the 25,000 square foot parcel contains 100 feet of frontage on Grandin Road and 250 feet on Sherwood Avenue; a 20 foot improved alley (Sweetbrier Lane) runs along the southeastern boundary of the parcel of land; a two-story residential structure, oriented to Grandin Road, is located on the site; and built in 1926 as a single-family residence, the structure has been converted to a four-unit, multi-family dwelling.

The City Planning Commission recommended that Council approve the request for rezoning, with conditions as further amended by the additional proffer regarding the front setback of any new construction on the site; and the Planning Commission is of the opinion that proffered permitted uses and conditions that protect the residential scale of the neighborhood are appropriate.

Mr. Dowe offered the following ordinance:

(#36399-061603) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 144, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 439.)

Mr. Dowe moved the adoption of Ordinance No. 36399-061603. The motion was seconded by Mr. Fitzpatrick.

Steven W. Lemon, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36399-061603 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris was absent.) (Council Member Cutler was out of the Council Chamber when the vote was recorded.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Patricia C. Clowzer and Tammy Tester to amend Proffered Conditions set forth in Ordinance No. 29201-072588, in connection with a tract of land located on Fugate Road, N. E., identified as Official Tax No. 3101215, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 30, 2003, and Friday, June 6, 2003.

The City Planning Commission submitted a written report advising that the 11,458 square foot parcel is located in a single family residential neighborhood comprised of a mix of one, one-and-a-half, and two-story homes, all adjoining properties that are single-family uses; a majority of the surrounding area is zoned RM-1, Residential Multifamily, Low Density District; parcels to the south and the west are zoned RM-1; adjacent parcels to the north and east are zoned RM-2, Residential Multifamily, Medium Density District; and the two abutting parcels, Official Tax Nos. 3101206 and 3101209, combined with the subject parcel, comprised the tract of land rezoned from RM-1 to RM-2 in July 1988.

It was further advised that the four-unit structure proposed and proffered in 1988 was not constructed; the petitioners purchased the subject property created by the July 2000 subdivision in February 2003; since proffered conditions are tied to the land itself, any new construction on the subject parcel must satisfy existing proffers from the July 1988 conditional rezoning; and the petitioners propose to construct a single-family detached dwelling on the subject property; therefore, it will be necessary to repeal existing proffers.

The City Planning Commission recommended that Council approve the request, with additional proffers regarding the front porch; and given the surrounding land use pattern and proffered conditions of the petition, the Planning Commission is of the opinion that the request is appropriate.

Mr. Dowe offered the following ordinance:

(#36400-061603) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 310, Sectional 1976 Zone Map, City of Roanoke, in order to repeal and amend certain conditions presently binding upon certain property previously conditionally rezoned from RM-1, Residential Multifamily, Low Density District, to RM-2, Residential Multifamily, Medium Density District, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 441.)

Mr. Dowe moved the adoption of Ordinance No. 36400-061603. The motion was seconded by Mr. Fitzpatrick.

Patricia C. Clowzer, Petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36400-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

TAXES-BUSINESS INCUBATOR: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Blue Ridge Small Business Development Center, Inc., d/b/a the New Century Venture Center, for exemption from local real estate taxation of real property located at 1354 Eighth Street, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, June 8, 2003.

The City Manager submitted a communication advising that the Blue Ridge Small Business Development Center, Inc., owns property known as Official Tax Nos. 1130511, 1130512, 1130514, 1130515, 1130516, 1130719, 1130814 and 1130809, located at 1354 Eighth Street, S. W.; the property houses the New Century Venture Center, an incubator for small businesses; and annual taxes due for fiscal year 2003-2004 are \$4,663.34 on an assessed value of \$86,400.00 for the land and \$299,000.00 for the building.

It was further advised that the Blue Ridge Small Business Development Center, Inc., petitioned Council on February 7, 2001, for adoption of a measure in support of the organization obtaining tax-exempt status from the General Assembly for its property located in the City of Roanoke; Council adopted a resolution, but the Center did not secure a sponsor during the 2002 Session of the General Assembly for legislation to have its property declared tax exempt; and as a result of a statewide constitutional referendum, during the last session, the General Assembly enacted legislation requiring approval by the governing body of a city or county for tax-exempt status; therefore, the New Century Venture Center's petition is again before the Council.

It was noted that on May 19, 2003, Council adopted a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City, pursuant to Resolution No. 36331-051903, adopting a revised Process for Determination of Property Tax Exemption dated May 19, 2003, effective January 1, 2003; the Blue Ridge Small Business Development Center, Inc., has provided the necessary information required as a result of adjustments made to the revised local policy prior to the deadline of June 1, 2003; loss of revenue to the City will be \$3,730.68 annually after a 20 per cent service charge is levied by the City in lieu of real estate taxes; service charge will be \$932.66; the Commissioner of the Revenue has determined that the organization is not exempt from paying real estate taxes by classification or designation under the Code of Virginia; and IRS recognizes the Blue Ridge Small Business Development Center as a 501(c) - tax-exempt organization.

Following the public hearing, the City Manager recommended that Council authorize the Blue Ridge Small Business Development Center, Inc., to be exempt from local real estate taxation, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia.

Mr. Fitzpatrick offered the following ordinance:

(#36401-061603) AN ORDINANCE exempting from real estate taxation certain property of the Blue Ridge Small Business Development Center, Inc., located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 443.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36401-061603. The motion was seconded by Mr. Dowe.

Lisa C. Ison, President, The New Century Venture Center, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Mr. Delvis O. (Mac) McCadden, 2018 Carroll Avenue, N. W., advised that the New Century Venture Center has provided jobs for many citizens of the Roanoke Valley. He stated that in conjunction with the New Century Venture Center, programs operated by the Roanoke Redevelopment and Housing Authority prepare citizens for the job market, and some of those same citizens have established their own businesses; therefore, in actuality, the City is getting its money back. He added that the citizens of Roanoke benefit from the New Century Venture Center, and tax dollars will be well spent if the request for tax exemption is approved by the City.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36401-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BONDS/BOND ISSUES-BUDGET-ROANOKE CIVIC CENTER: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to the proposed adoption of a resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City (and in anticipation of the issuance thereof general obligation public improvement bond anticipation notes of the City), in the amount of \$52,300,000.00, for the purpose of providing funds to pay the costs of acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for City purposes, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, June 2, 2003 and Monday, June 9, 2003.

The City Manager and the Director of Finance submitted a joint communication advising that the City's Capital Improvement Program includes a project for Civic Center Improvements – Phase II; the project, currently under design, includes construction of a new exhibit hall, a new kitchen, new locker/training facilities, storage rooms and other renovations to existing buildings and is budgeted at nearly \$15 million; funding for the project will be provided by the issuance of \$14.3 million of Series 2003 general obligation public improvement bonds, as well as CMERP (Capital Maintenance Equipment Replacement Program) funding and retained earnings of the Civic Facilities Fund; Council adopted a resolution of intent on November 19, 2001, authorizing the City to reimburse itself from the proceeds of General Obligation Bonds to be issued for the project; and in order to proceed with planning associated with the fall issuance of bonds related to the project, approval of the bond issuance is needed.

It was further advised that on May 8, 2003, Council was briefed by the Schools' Assistant Superintendent for Operations regarding the project scope and timeframe for the Patrick Henry High School project; the project plan includes replacement of all present buildings, except Gibboney Hall, which will house the library, fine arts, cafeteria, and gym under one roof, and a new athletic field and track; high school

construction is scheduled to begin in June, 2004, with the new buildings to be completed in December, 2005, and fields and grounds construction to be completed in June, 2006.

It was explained that the Patrick Henry High School project has a total budget of \$38 million to be shared by the City and the Schools; the City's share of \$19 million is to be funded by the Series 2005 General Obligation Bonds; a Literary Loan of \$7.5 million and a Virginia Public School Authority Bond of \$11.5 million are planned to fund the School's share; the budget includes architectural and engineering fees of \$2.75 million, construction costs of \$32.25 million and furniture and equipment costs of \$3 million; and on June 10, 2003, the School Board adopted a resolution authorizing issuance of \$38 million to fund public school improvements.

It was stated that from the total budget for the Patrick Henry High School renovation, funding of approximately \$2.2 million will be required between now and June 2004 to cover architectural and engineering expenses related to the project; the City's share of the cost, \$1.1 million, will be provided through issuance of the Series 2005 General Obligation Bonds; and such funding may be appropriated at this time in anticipation of issuance of the bonds to provide for architectural and engineering needs through June, 2004.

The City Manager and the Director of Finance recommended that Council hold a public hearing regarding the issuance of \$52.3 million General Obligation Public Improvement Bonds to fund Phase II Civic Center Improvements and public school capital improvements; that Council, following the public hearing, adopt a resolution to authorize issuance of \$52.3 million in General Obligation Bonds, which resolution will also authorize the Director of Finance and the City Manager to award the winning bid and to affix the interest rates to be borne by the bonds; and the resolution includes language which declares the City's intent to reimburse itself from the issuance of the bond proceeds authorized by the resolution.

The City Manager and the Director of Finance further recommended that Council appropriate \$1.1 million of Series 2005 bond funds to Account No. 031-065-6066-6896-9137 for architectural and engineering fees related to the Patrick Henry High School project.

Mr. Dowe offered the following budget ordinance:

(#36404-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 463.)

Mr. Dowe moved the adoption of Ordinance No. 36404-061603. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, spoke in support of the renovation of Victory Stadium. He also spoke in support of constructing a flood wall around Victory Stadium, similar to the flood wall constructed at the Sewage Treatment Plant, to prevent flooding. He advised that it makes more sense to spend \$8-10 million to renovate Victory Stadium than to spend \$25 million for a new stadium in the wrong location. He stated that Victory Stadium can be a money making venture if it is properly renovated and promoted with more outdoor events between the period of Memorial Day and Labor Day. He expressed concern that Orange Avenue is a poor location for a stadium/amphitheater, and asked that citizens, businesses and City officials work together to save Victory Stadium.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36404-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36403-061603) A RESOLUTION authorizing the issuance of fifty-two million three hundred thousand dollars (\$52,300,000.00) principal amount of General Obligations of the City of Roanoke, Virginia, in the form of General Obligation Public Improvement Bonds of such City, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for such City; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of General Obligation Public Improvement Bond anticipation notes in anticipation of the issuance and sale of such bonds; delegating to the City Manager and the Director of Finance certain powers with respect to the sale and determination of the details of such bonds and notes; and otherwise providing with respect to the issuance, sale and delivery of such bonds and notes.

(For full text of Resolution, see Resolution Book No. 67, page 448.)

Mr. Dowe moved the adoption of Resolution No. 36403-061603. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Council Member Cutler left the meeting.

ZONING: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a request of the Presbyterian Community Center, Inc., and PCC Land Company, LLC, for exemption from local real estate taxation of certain real and personal property located at 1228 Jamison Avenue, S. E., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, June 10, 2003.

The City Manager submitted a communication advising that PCC Land Company, LLC, owns property known as Official Tax Nos. 4120520 and 4120524, both of which are located at 1228 Jamison Avenue, S. E., the property houses the Presbyterian Community Center, which is operated by the Presbyterian Community Center, Inc., a religious association conducted not for profit and the sole member of the PCC Land Company, LLC; the Center provides emergency economic assistance of food, utilities, rent, and prescriptions to low-income families, and educational programs for at-risk youth in southeast Roanoke; annual taxes due for fiscal year 2003-2004 are \$3,333.54 on an assessed value of \$90,200.00 for the land and \$185,300.00 for the building; the Center also owns two motor vehicles (both vans), and requests that the equipment be exempt from personal property taxation; and annual taxes due for the two vehicles are \$300.15 on an assessed value of \$8,770.00.

It was further advised that on May 19, 2003, Council adopted a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City, pursuant to Resolution 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, effective January 1, 2003; the Presbyterian Community Center, Inc., and PCC Land Company, LLC, have provided the necessary information required as a result of the adjustments made to the City's revised local policy prior to the deadline of June 1, 2003; property located at 1228 Jamison Avenue, S. E., is titled in the name of PCC Land Company, LCC; however, the Presbyterian Community Center, Inc., acts as the holding company; since PCC Land Company, LLC, does not exist from an income tax standpoint, and PCC Land Company, LLC, is a single member LLC, in which the Presbyterian Community Center, Inc., is and will always be the only member, tax exemption with respect to the property located at 1228 Jamison Avenue should be granted to both the Presbyterian Community Center, Inc., and PCC Land Company, LLC; and the Presbyterian Community Center, Inc., and PCC Land Company, LLC, do not seek tax exemption for a portion of Official Tax No. 4120520, which is currently leased to other entities.

It was explained that according to the Commissioner of the Revenue, loss of revenue to the City of Roanoke will be \$1,603.04 after a 20 per cent service charge is levied by the City in lieu of real estate taxes; the service charge will be \$400.72; the Presbyterian Community Center, Inc., and PCC Land Company, LLC, will continue to pay taxes in the amount of \$1,329.78 on the portion of Official Tax No.

4120520 which is leased to other entities; the two vans for which personal property tax exemption is being requested are owned by the Center, and are currently designated exempt from taxation; therefore, the City will be foregoing \$300.15 in annual personal property taxes; the Commissioner of Revenue has determined that the organization is currently not exempt from paying real estate taxes by classification or designation under the Code of Virginia; and the IRS recognizes the organization as a 501(c) - tax-exempt organization.

Following the public hearing, the City Manager recommended that Council authorize the Presbyterian Community Center, Inc., and PCC Land Company, LLC, exemption from real estate and personal property taxation, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia, effective July 1, 2003, if the organization agrees to pay the subject service charge by that date.

Mr. Bestpitch offered the following ordinance:

(#36402-061603) AN ORDINANCE exempting from real estate and personal property taxation certain property of the Presbyterian Community Center, Inc., and PCC Land Company, L. L. C., located in the City of Roanoke, organizations devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 445.)

Mr. Bestpitch moved the adoption of Ordinance No. 36402-061603. The motion was seconded by Mr. Dowe.

Bruce Stockburger, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36402-061603 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a request to amend Vision 2001-2020 to include the Hurt Park/Mountain View/West End Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 30, 2003 and Friday, June 6, 2003; and in *The Roanoke Tribune* on Thursday, June 5, 2003.

The City Planning Commission submitted a written report advising that the subject neighborhood plan comprises three neighborhoods west of downtown--Hurt Park, Mountain View and West End; Hurt Park is one of the City's designated conservation districts and has been selected by Council as one of six potential revitalization areas for the allocation of Community Development Block Grant (CDBG) funds; Hurt Park and Mountain View both contain areas that are in the City's H-2, Neighborhood Preservation District; and these three neighborhoods were once primarily residential, but now have industrial and commercial development on their edges.

The City Planning Commission recommended that Council adopt the Hurt Park/Mountain View/West End Neighborhood Plan as a component of Vision 2001-2020, the City's Comprehensive Plan.

Mr. Dowe offered the following ordinance:

(#36405-061603) AN ORDINANCE approving the Hurt Park/Mountain View/West End Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Hurt Park/Mountain View/West End Neighborhood Plan; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 464.)

Mr. Dowe moved the adoption of Ordinance No. 36405-061603. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36405-061603 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

EASEMENTS-BRIDGES-CITY PROPERTY-HOSPITALS: Pursuant to action by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to convey 0.017 acre of City-owned property and a revocable license permitting encroachment of a retaining wall, sidewalk and canopy, with all necessary appurtenances thereto, encroaching approximately 0.063 acre into the public right-of-way of Hamilton Terrace, S. E., to Carilion Health Systems, in connection with construction and development of a pedestrian bridge, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 6, 2003.

The City Manager submitted a communication advising that CHS, Inc. (Carilion Health Systems), owner of properties along Hamilton Terrace, S. E., propose to construct a pedestrian bridge over the Roanoke River; accessory to the bridge, CHS, Inc., will build a retaining wall and pavilion along Hamilton Terrace, S. E., that will link the new Riverwalk Parking Deck, via the new pedestrian bridge, to the public sidewalk along Hamilton Terrace; construction of the pedestrian bridge is targeted to coincide with completion of the parking deck in September 2003; a plat has been recorded subdividing Official Tax No. 4060101, thereby creating a utility lot which contains approximately .017 acre; and inasmuch as the estimated assessed value of the new lot is low, between \$300.00 and \$500.00, City staff recommends that the utility lot be conveyed to CHS, Inc., at no charge.

It was further advised that the proposed improvements, which include a retaining wall, sidewalk, canopy and supporting structure, also create an encroachment into the public right-of-way of Hamilton Terrace; the revocable encroachment area is of variable width, containing approximately .063 acre (in addition to the utility lot area), which extends into the right-of-way of Hamilton Terrace; and liability insurance and indemnification of the City of Roanoke by the applicant shall be provided, subject to approval by the City's Risk Manager.

The City Manager recommended that Council authorize conveyance of the utility lot identified as New Parcel "C", along with appropriate temporary construction easements; and adopt an ordinance to be executed by the property owner and recorded in the Clerk's Office of the Circuit Court granting a revocable license to CHS, Inc., to allow for encroachment of the retaining wall, sidewalk, canopy and supporting structure into the right-of-way of Hamilton Terrace, S. E.

Mr. Dowe offered the following ordinance:

(#36406-061603) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of a .017 acre portion of City-owned property known as the utility lot identified as New Parcel C of Official Tax No. 4060101, located along Hamilton Terrace, S. E., and temporary construction easements to Carilion Health Systems ("CHS"), upon certain terms and conditions, and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 466.)

Mr. Dowe moved the adoption of Ordinance No. 36406-061603. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36406-061603 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

Mr. Dowe offered the following ordinance:

(#36407-061603) AN ORDINANCE granting a revocable license to permit the encroachment of a retaining wall, sidewalk and canopy, with all necessary appurtenances thereto, encroaching approximately .063 acre into the public right-of-way of Hamilton Terrace, S. E., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 467.)

Mr. Dowe moved the adoption of Ordinance No. 36407-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

TEA-21: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to consideration of previously received applications for Federal funds made available through the Transportation Equity Act for the 21st Century (TEA-21) for transportation enhancement projects in fiscal year 2003-04, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, June 8, 2003 and Friday, June 13, 2003.

The City Manager submitted a communication advising that the Transportation Equity Act for the 21st Century (TEA-21) was signed into Federal law in June 1998, which action reauthorized the Federal surface transportation programs for six years, from fiscal year 1998 to fiscal year 2003, replacing the Intermodal Surface Transportation Efficiency Act (ISTEA); even though TEA-21 will expire on September 30, 2003, Congressional reauthorization is anticipated this fall to continue the program in a similar form; and current law provides \$215 billion in spending authority for highways and transit, including \$3 billion for transportation enhancement projects.

It was further advised that TEA-21 requires State Departments of Transportation to set aside ten per cent of their Surface Transportation Program (STP) allocation each year for transportation enhancements, which includes activities such as facilities for pedestrians and bicyclists (such as greenways) and rehabilitation of historic transportation buildings; and the Virginia Department of Transportation (VDOT) held a public meeting regarding the TEA-21 enhancement program in the City of Salem on April 4, 2003, at which time citizens and public officials were given the opportunity to ask questions and to learn more about the program.

It was explained that any group or individual may initiate enhancement projects; however, Council and the Metropolitan Planning Organization must endorse the applications prior to submittal to the Virginia Department of Transportation (VDOT) by the applicant by July 1, 2003; four enhancement project applications have been received, as follows; and Commonwealth Transportation Board approval of the projects is expected to occur after September 2003.

Dumas Center for Artistic and Cultural Development	-	\$300,000.00
The O. Winston Link Museum	-	\$172,000.00
Roanoke Passenger Station Renovation & O. Winston Link Museum	-	\$440,000.00
Virginia Depot	-	\$990,530.00

It was explained that Council resolutions endorsing project applications also require, according to VDOT, that the City of Roanoke agree to be liable for a minimum of 20 per cent of the total cost for planning and design, right-of-way and construction of the project, and, if the City subsequently elects to cancel a project, the City agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date of cancellation of the project; and an agreement to be executed by the City of Roanoke and the project applicant will require the applicant to be fully responsible for the matching funds, and if the project is canceled, the agreement will also require the applicant to reimburse the City for all amounts due VDOT.

Following the public hearing, the City Manager recommended that Council endorse project applications by separate resolutions, and agree to pay the respective percentages of the total cost for each project and if the City elects to cancel a project, the City would reimburse VDOT for the total amount of costs associated with any work completed on the projects through the date of cancellation notice.

The City Manager further recommended that she be authorized to execute City/State Agreements for project administration, subject to approval of project applications by VDOT, and that she be authorized to execute a legally binding agreement with project applicants, subject to approval of the application being approved by VDOT, requiring the applicants to be fully responsible for their matching funds, as well as all other obligations undertaken by the City by virtue of the City/State Agreement.

Mr. Bestpitch offered the following resolution:

(#36408-061603) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project for the renovation of the historic Hotel Dumas to create the Dumas Center for Artistic and Cultural Development.

(For full text of Resolution, see Resolution Book No. 67, page 470.)

Mr. Bestpitch moved the adoption of Resolution No. 36408-061603. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Allison Blanton, 1701 Arlington Road, S. W., President, Roanoke Valley Preservation Foundation, advised that the Preservation Foundation, along with the Roanoke Redevelopment and Housing

Authority and the National Railroad Historical Society, have collaborated in a partnership and hired Hill Studio to draft a grant application for TEA-21 funding for the Virginia Railway Station. She stated that the passenger station was damaged by fire in January, 2001, following which various organizations negotiated with Norfolk Southern to purchase the station, and after considerable negotiations, Norfolk Southern donated the passenger station to the National Railroad Historical Society. She stated that the facility is a candidate for TEA-21 funding, inasmuch as it meets seven out of the 12 criteria; the facility will tie in with the Mill Mountain Greenway system, and serve as an information and comfort station along the greenway and a research and archive facility for the National Railroad Historical Society, which will help to make Roanoke a research center for railroad history with the cumulative effect of the Transportation Museum, the O. Winston Link collection, and the Norfolk and Western collection at Virginia Tech. She added that the facility will also serve as a gateway to the South Jefferson Redevelopment Area which was cited in design guidelines to be developed around the historic railroad buildings in the area. She advised that the application is supported by several organizations; the facility will be a great asset to the City of Roanoke; no funds are requested at this time, however, the Virginia Department of Transportation will be requested to fund approximately \$990,000.00 of the \$1.2 million budget; and the match by the Roanoke Valley Preservation Foundation will come in the form of land donation, as well as volunteer hours and contribution of the railroad collection.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Resolution No. 36408-061603 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

Mr. Dowe offered the following resolution:

(#36409-061603) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project to support the design and construction of the O. Winston Link Museum's open storage component, the refurbishment of authentic station benches, and the restoration and installation of N&W Passenger Station signs.

(For full text of Resolution, see Resolution Book No. 67, page 472.)

Mr. Dowe moved the adoption of Resolution No. 36409-061603. The motion was seconded by Mr. Fitzpatrick.

Mr. Dowe advised that he serves without remuneration on the Board of Directors of Center in the Square and inquired if he should abstain from voting on the resolution.

The City Attorney responded that Mr. Dowe does not have a conflict of interest; therefore, he could cast his vote on the resolution.

Resolution No. 36409-061603 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

Mr. Bestpitch offered the following resolution:

(#36410-061603) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project to reduce the debt service incurred to complete the renovation of the Roanoke Passenger Station.

(For full text of Resolution, see Resolution Book No. 67, page 474.)

Mr. Bestpitch moved the adoption of Resolution No. 36410-061603. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

Ms. Wyatt offered the following resolution:

(#36411-061603) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project to develop construction plans for restoration of the Virginian Railway Passenger Station and the adjacent property.

(For full text of Resolution, see Resolution Book No. 67, page 476.)

Ms. Wyatt moved the adoption of Resolution No. 36411-061603. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Dowe, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent, and Council Member Fitzpatrick abstained from voting.)

OTHER BUSINESS:

ARCHITECTURAL REVIEW BOARD: The Architectural Review Board (ARB) having denied a request for a Certificate of Appropriateness filed by Roland H. Macher, President, Macher Properties, with regard to property located at 518 Mountain Avenue, S. W., Mr. Macher filed an appeal of the decision of the ARB dated May 12, 2003.

Mr. Macher appeared before Council and advised that the lights in question were on the house prior to his purchasing the property; and he proposed to construct a wrap around porch in an effort to bring some integrity back to the neighborhood. He stated that there are times when it is difficult to work with the Architectural Review Board which is composed of seven different people from seven different backgrounds, therefore, it is sometimes difficult for the Board to reach a decision, thus, deterring homeowners from appearing before the Board. He explained that he was instructed to remove the dusk to dawn lights, although dusk to dawn lights are currently used throughout the old southwest neighborhood, the lights were removed and he sought guidance from Architectural Review Board staff as to what type of light should be installed, but no examples were proposed; and he was later instructed to install a double head spotlight and go through the Architectural Review Board process once again. He stated that he installed two double head spotlights, with motion detectors, for security purposes, and the ARB denied his request. He advised that there should be more consistency in ARB guidelines for old southwest and more guidance by the Board and City staff on acceptable standards. He asked that Council over rule the decision of the Architectural Review Board, and approve the two double head spot lights, with motion detectors.

As background, the following information was provided by the Architectural Review Board:

Mr. Macher applied for a Certificate of Appropriateness on July 28, 2002, for exterior improvements to his property at 518 Mountain Avenue, S. W.; the two story frame dwelling had sustained fire damage and he proposed to construct a front porch and replace the windows and doors.

On August 8, 2002, the Architectural Review Board (ARB) considered the request; ARB members expressed concern that the proposal lacked sufficient detail and needed more work; Mr. Macher agreed to have the matter tabled until the September 12, 2002 meeting of the Board; members also expressed concern with regard to dusk-to-dawn lights on the front of the house; and Mr. Macher agreed to remove the lights as part of his application.

On September 12, 2002, the ARB approved an amended application to construct the front porch; and prior to the meeting, Mr. Macher removed the dusk-to-dawn lights.

When the work on the front porch was completed, Mr. Macher reinstalled the two dusk-to-dawn lights; the agent to the ARB advised Mr. Macher that the lights were installed without a Certificate of Appropriateness, the lights would need to be removed and recommendations were provided for light fixture designs that would be more appropriate.

On March 27, 2003, Mr. Macher submitted an application for a Certificate of Appropriateness for the two new motion detector floodlights that he had installed as replacements for the two dusk-to-dawn lights; the matter was scheduled for the April 10, 2003 meeting of the ARB; Mr. Macher was not present for the ARB meeting; the ARB considered the application and a motion to approve the request failed because the floodlights are not consistent with the H-2 Architectural Design Guidelines; and Mr. Macher was notified of the denial and of his right to appeal to Council.

Mr. Macher filed an appeal of the Architectural Review Board's decision on May 12, 2003, and because the end of the 30 day appeal period fell on a Saturday, the appeal was accepted 32 days after the decision of the ARB.

The Architectural Review Board advised that Architectural Design Guidelines adopted by the ARB and endorsed by Council state that historic light fixtures are an important part of a building's architectural character and that excessive light intensity and glare detract from the residential character of the H-2 district; and guidelines recommend the following considerations when installing new lighting:

"Choose a compatible light fixture from a commercial manufacturer if a suitable replacement cannot be found; unless a design is specifically appropriate for your building, choose a light fixture that is simple and unobtrusive.

Limit the exterior lighting of residential buildings to that necessary for convenience and safety; in most instances, traditional porch lighting is adequate.

Install security lighting at the perimeter of the house or garage only when necessary; limit motion-sensitive and dusk-to-dawn security lighting to areas not visible from the street frontage; use only low-voltage lights close to the house to avoid harsh shadows.”

The Architectural Review Board recommended that Council affirm its decision to deny issuance of a Certificate of Appropriateness, in connection with the abovereferenced property.

There was discussion as to the type of light that would be satisfactory; whereupon, the Director of Planning and Code Enforcement advised that rather than submitting examples of the types of lights to be used, the ARB would prefer to review a proposed plan, and in most instances traditional porch lighting is adequate; the Board must weigh the impact on not only the architecture of the house, but also the need associated with this type of lighting that goes beyond traditional porch lighting that is synonymous with the time period of the architecture of the house; it is important for the Board to look at an attachment to a building in the context of the house itself; and the responsibility is on the property owner to show that what is proposed is consistent as much as possible with the architecture of the building that is being considered.

Question was raised as to what would be the appropriate type of lighting for the house in question; whereupon, Robert N. Richert, Chair, Architectural Review Board, advised that low wattage, hanging lights with sconce and glass on the sides would be appropriate in the 1880 to 1920 period of the neighborhood.

Mr. Richert explained that neither the Architectural Review Board nor City staff is in a position to provide architectural and/or decorative services to property owners; however, guidance is provided by staff to those persons who are willing to listen and to cooperate with the Board; and problems occur when installations take place after the fact and the ARB is asked months later for approval.

There was discussion as to whether or not it would be appropriate for the City to develop a list of lights that property owners could choose from; whereupon, Mr. Townsend advised that from a practical and architectural point of view, the type of light, location, size, and design, should key to the architecture; old southwest has a number of different architectural types and traditional lighting fixtures have been applied differently to those architectural styles, so to dictate that there are only x number of light sources that are allowable in old southwest would be overbearing to a property owner; and the intent is to provide as much latitude as possible so as not to restrict what homeowners may use appropriately within the historic district.

Mr. John Shelor, 548 Day Avenue, S. W., spoke in support of the Architectural Review Board and the guidelines for old southwest. He stated that he has worked with the ARB in various capacities on several different occasions, numerous resources are available to residents of old southwest, and architectural advice is provided by the ARB/staff to property owners.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., advised that the issue is the sensibility of installing one light; crime and drugs exist in Old Southwest; motel-like apartment buildings have been constructed throughout the neighborhood; the neighborhood will never be a 100 per cent historic district; and anything that Mr. Macher would do to the house in question would be an improvement to Mountain Avenue. He stated that the proposed light will not affect the architectural integrity of the block, and urged that Council over rule the decision of the Architectural Review Board.

In a discussion of the matter, Mr. Bestpitch spoke in support of strengthening the Architectural Review Board appeals process to provide that an individual has no grounds for appeal to the Council if the person has not met with the Architectural Review Board to discuss suggestions on how to resolve concerns. He asked that the matter be referred to the City Attorney for report and included on the Council's Pending Items List.

Based upon the evidence (testimony and documents) presented, Mr. Bestpitch moved that Council affirm the decision of the City of Roanoke Architectural Review Board on April 10, 2003, that no Certificate of Appropriateness be issued for the installation of two dusk-to-dawn lights at 518 Mountain Avenue, S. W., as set forth in the Request for Certification of Appropriateness dated March 27, 2003, on the grounds that the proposed installation is not compatible with the H-2 District and does not enhance those special visual and spatial qualities that the H-2 District was established to protect. The motion was seconded by Mr. Dowe and adopted, Mayor Smith voted no.

ARCHITECTURAL REVIEW BOARD: The Architectural Review Board (ARB), having denied a request for a Certificate of Appropriateness filed by Dana A. Walker, General Manager, H & W Properties, LLC, with regard to property located at 702 Marshall Avenue, S. W., Mr. Walker filed a written appeal of the decision of the ARB with the Council dated June 4, 2003.

James R. Patterson, Attorney, representing H & W Properties LLC, advised that the statute provides that the installation of siding does not require a Certificate of Appropriateness by the Architectural Review Board. He presented a sample of the Dutch lap siding that is currently on the house, along with an example of the vinyl siding proposed by his client, which has the same architectural design and will look the same when applied. He stated that with the proposed vinyl siding and his client's offer to install the J channel around the doors and windows, the architectural defining features of the building will be maintained. He asked that Council overrule the decision of the Architectural Review Board and allow installation of the proposed vinyl siding.

The following background information was provided by the Architectural Review Board (ARB):

In April 2003, a citizen reported that vinyl siding was being applied to a house at 702 Marshall Avenue, S. W., and ongoing work on the house was stopped pending review by the ARB.

Mr. Walker advised staff that he was unaware that a Certificate of Appropriateness was required for vinyl siding; staff advised that vinyl siding is permitted in the H-2 district, provided that materials of the same design are used, and the architecturally defining features of the building are maintained; existing siding on the house was a combination of four inch and five inch exposure; installation underway at the time the work was stopped was using four inch exposure and no window or door trim; therefore, the project was not using like materials and required ARB approval.

Mr. Walker filed an application for a Certificate of Appropriateness; on May 8, 2003, the ARB considered the application and Mr. Walker proposed different size siding materials and improvements to the front porch and stated that the ARB should have a more lenient standard for properties on Day and Marshall Avenues.

Because the existing wood siding and window and door details are character-defining features of the building, Board members voted against the application and found that the proposed width of the vinyl siding was incompatible with the existing wood siding and existing window and door details, and material samples were not submitted.

Mr. Walker filed an appeal of the ARB's decision on June 5, 2003.

The Architectural Review Board advised that Section 36.1-345 of the Zoning Ordinance provides:

“(a) In order to encourage the preservation and enhancement of the district and encourage the rehabilitation and new construction in conformance with the existing scale and character of the district, the architectural review board shall review and approve the erection of new buildings or structures, including signs, the demolition, moving, reconstruction, alteration or restoration, of existing structures and buildings, or reduction in their floor area, including the enclosure or removal of a porch; and no such erection, demolition, moving, reconstruction, alteration, restoration, or enlargement or reduction of a structure, or building, shall be undertaken without the issuance of a certificate of appropriateness by the board, unless otherwise specified herein.

(c) The installation or replacement of siding...shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.”

Following an inspection of the property, it was noted that the ARB Agent determined that the materials being used were not of the same design and that the architectural defining features of the building would not be maintained as a result of the project; therefore, the project was not subject to the exemption noted in Section 36.1-345(c) as referenced above and required a Certificate of Appropriateness.

It was explained that the H-2 Architectural Design Guidelines, adopted by the ARB and endorsed by Council, recommend that the following be considered when installing vinyl siding:

Do not replace sound historic siding with new materials to achieve an “improved” appearance.

Historic wood siding is a distinctive feature that helps to define the visual characteristics of a building.

Both new and historic siding requires periodic maintenance to give a building proper weather protection.

Retain existing siding: Identify and keep the original exterior siding materials as well as any unique siding.

The Architectural Review Board recommended that Council affirm the Board's decision to deny issuance of a Certificate of Appropriateness for installation of vinyl siding on the grounds that installation of vinyl siding would not maintain the architectural defining features of the building and is not appropriate.

R. Brian Townsend, Director, Department of Planning and Code Enforcement, advised that at the time of the Architectural Review Board meeting, examples of materials regarding the relationship of design of the replacement vinyl with the existing lap board was not available, and on two separate occasions during the discussion, members of the ARB suggested to Mr. Walker that his application be deferred in order to obtain more details related to the nature of the proposed application and the size of the siding proposed to be used. He explained that it was further suggested that the applicant take 30 days to work with ARB staff regarding the details of the application, with the understanding that the following month, the Board would hear the request; however, he advised that the applicant instead asked the Board to approve the two amendments to his application on the spot, and the Board, without the ability to have the level of detail associated with the request, was uncomfortable in approving the application as presented, and denied the application by a 4-2 vote.

David Lazarchik, representing Old Southwest, Incorporated, read a statement approved by the Board of Directors, supporting efforts of the Architectural Review Board to retain existing forms, features and materials of historic properties, which are the essence of the historic district. In addition, he stated that Old Southwest endorses standards of the Secretary of the Interior for rehabilitation, based on the premise that retention of historic materials including wood siding, features of homes and craftsmanship, are of primary importance, and use of vinyl or aluminum siding is not recommended. He stated that Old Southwest opposes the use of synthetic siding on existing historic properties, unless no other option is available for the following reasons: (1) replacing or covering wood siding severely diminishes the unique historic aspects of materials and craftsmanship; in most cases application of such materials entails removal or coverage of architectural details and also flattens the three dimensional profile which makes each building unique; (2) changes to character defining features of a building also alter the visual relationships between

buildings; when such character defining details are covered or removed from a number of buildings in a historic district, the character of the entire district may be seriously damaged, which has already occurred on numerous occasions in old southwest; (3) synthetic siding is used with the implication that it is a maintenance free product; however, it is frequently used as a cosmetic fix over peeling paint, stains, or other signs of deterioration which can progress unnoticed to become major structural problems, and it is not a substitute for proper repairs and ongoing maintenance; and (4) with the advent of new long duration paints, the argument that synthetic siding is an economical alternative to a good paint job is not necessarily valid. In summary, he advised that if Old Southwest is to retain its historic charm, its uniqueness, and its reputation as one of Virginia's outstanding historic districts, the use of synthetic siding is inappropriate; and its use on existing historic structures should not be approved by the Architectural Review Board unless no other option is available; therefore, Council is requested to uphold the decision of the Architectural Review Board and deny the appeal.

Mr. Jim Haynes, 545 Day Avenue, S. W., advised that he has lived in Old Southwest for over ten years and owns other properties in the neighborhood. He stated that he has enjoyed the multi cultural neighborhoods of Old Southwest; Old Southwest is a "front porch" neighborhood where one can meet with friends; and Old Southwest does not have to be an elitist neighborhood, but a well maintained neighborhood where people are making an investment in their homes. He stated that vinyl siding is inappropriate, and those persons installing vinyl siding are not the persons who choose to own properties and to live in the Old Southwest neighborhood. He spoke in support of improvements to those portions of the neighborhood that need to be improved, and the neighborhood should return to single family dwellings.

Mr. John Shelor, 548 Day Avenue, S. W., spoke in support of the Architectural Review Board. He expressed frustration that some absentee landlords, with multiple properties, often use the excuse of lack of information, and do not work with the ARB, while complaining about spending money to maintain the quality of their properties.

Mr. Marwood L. Harris, 517 Washington Avenue, S. W., invited Council Members to tour Old Southwest to see first hand the issues that have been discussed.

Mr. Fitzpatrick moved that the matter be referred back to the Architectural Review Board, pursuant to Section 36.1-642(d), Code of the City of Roanoke (1979), as amended. The motion was seconded by Mr. Bestpitch and adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS-CITY GOVERNMENT-HOUSING AUTHORITY-DISABLED PERSONS: Mr. George Gunther, 3038 Melrose Avenue, N. W., advised that people with disabilities and/or representing certain ethnic origins are not properly represented by the lower courts, magistrates, public defenders and Adult Protective Services in the City of Roanoke, which has resulted in persons being improperly incarcerated and/or fined. He called attention to discrimination in housing by the Roanoke Redevelopment and Housing Authority, specifically at Melrose Towers, where management should be investigated.

POLICE DEPARTMENT-BUDGET-COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert Gravely, 3360 Hersherberger Road, N. W., expressed concern with regard to the overall condition of the City of Roanoke. He referred specifically to the need for better communications with citizens, improvements to the City's aging infrastructure, creation of more jobs leading to home ownership for citizens, sufficient wages for City employees which should not be based on a percentage increase, assistance for the elderly, and a reduction in Roanoke's crime rate.

There being no further business, at 9:25 p.m., the Mayor declared the meeting adjourned.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

CITY OF ROANOKE CITY CLERK 03 JUL 18 AM 08:40
INTERDEPARTMENTAL COMMUNICATION

DATE: Tuesday, July 15, 2003
TO: Stephanie Moon, Deputy City Clerk
FROM: *CT* Carol Tuning, Human Services Coordinator
SUBJECT: Resignation

This is to advise that I am tendering my resignation as a member of the Personnel and Employment Practices Commission, effective immediately.

It has been a pleasure to serve as a member of the Commission for approximately five years.

c: Ken Cronin, Personnel Management
Jennifer Basham, Human Resources



RALPH K. SMITH
Mayor

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
William D. Bestpitch
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
C. Nelson Harris
Linda F. Wyatt

July 31, 2003

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

In follow up to our correspondence to the Council dated July 17, 2003, regarding the new stadium/amphitheater, please know that we intend to offer a motion to rescind the previous action of the Council to construct the \$18 million stadium/amphitheater project. We request that this letter be placed under Petitions and Communications for our upcoming meeting on August 4, 2003.

Respectfully,

A handwritten signature in black ink that reads "C. Nelson Harris".

C. Nelson Harris
Vice-Mayor

A handwritten signature in black ink that reads "Beverly T. Fitzpatrick, Jr." with a stylized flourish at the end.

Beverly T. Fitzpatrick, Jr.
Council Member

CNH:BTFjr:sm



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 4, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Support for Education in
Virginia

Background:

Virginia's Joint Legislative Audit and Review Commission (JLARC) released a report in February 2002 that summarized its findings and recommendations regarding state and local funding of the Standards of Quality (SOQ). JLARC suggested in this report that the state Board of Education consider funding three "tiers" of support for elementary and secondary education:

- Tier 1 – Meeting estimated costs of the SOQ, based on current standards at current cost levels;
- Tier 2 – Funding costs of practices the majority of school divisions already engage in but do not consistently receive state funding for, such as lower pupil-teacher ratios than prescribed by the SOQ; and
- Tier 3 – Helping to fund capital costs and enhanced teacher salaries.

Subsequently, City Council adopted its 2003 Legislative Program that supported "restructuring the State's tax system to raise State tax revenues to generate the additional funding required annually for education." City Council's Legislative Program also incorporated the Roanoke City School Board Legislative Program that called on the General Assembly "to improve its share of funding public education based on the results of the JLARC study."

Most recently, the Board of Education agreed May 28th to a set of SOQ modifications that in large part address the JLARC "Tier 2" recommendations, including the following:

- One full-time principal in each elementary school
- One full-time assistant principal for each 400 students in each school
- Additional elementary resource teachers for art, music and physical education
- Reduction in the secondary school pupil to teacher ratio from 25:1 to 21:1 to support scheduled planning time for secondary teachers
- Reduction in the speech language pathologist caseload from 68 to 60 students
- Two technology positions per 1,000 students in grades K-12 division-wide
- One full-time reading specialist per 1,000 students

These changes would add 158.8 positions in Roanoke and generate \$4.4 million in additional state revenue, if fully funded. 116 of these positions are already being locally funded, meaning that only 42.8 positions would actually have to be added at a cost of \$2.1 million. The net effect then would be an increase of \$2.3 million in state revenue that could be used to fund other priority school initiatives.

Considerations:

At the same time that Virginia localities have been struggling to adequately fund elementary and secondary education, higher education in Virginia has also been besieged by unprecedented state funding cuts that have resulted in teaching and administrative staff reductions, reduced course offerings for students, and increased tuitions and fees for both in-state and out-of-state students.

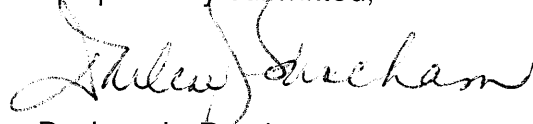
To serve as an advocate for quality education in Virginia, "The Alliance for Virginia's Students" has been formed by four founding organizations that are committed to providing Virginia's students – kindergarten through college – with the best possible education and are working together to achieve that common goal (see Attachment A). Collectively, they represent thousands of Virginians who have a compelling interest in the education of all Virginians. These organizations include the Virginia Education Coalition; the Virginia Business Higher Education Council, including public college presidents; Virginia First Cities Coalition; and the Virginia Association of Counties. To help bring this important issue to the attention of the General Assembly in advance of its next session, the Alliance is asking participants to adopt the attached resolution endorsing additional state funding for education.

Mayor Smith and Members of City Council
August 4, 2003
Page 3

Recommended Action:

Roanoke has been an active participant in the Virginia First Cities Coalition's efforts to promote education funding reform in Virginia. To continue this effort, City Council is requested to adopt the attached resolution endorsing additional state funding for education and request the City Clerk to forward a copy of the adopted resolution to our state legislators. Council may also want to consider including this important issue in its legislative package for the 2004 General Assembly session.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:blk

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

CM03-00158

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION supporting Virginia's public school students and urging the General Assembly to provide additional State dollars to fully fund the actual costs of the Standards of Quality and the legislative guidelines for higher education funding.

WHEREAS, many students in Virginia's public schools are at risk of not learning what is required to earn a high school diploma, enroll in a college or university or enter the job market, and even the successful students who graduate are affected by schools struggling to provide the level of educational quality they need and deserve;

WHEREAS, teachers often find they do not have the tools or training necessary to teach the subjects mandated for achievement of state standards and teachers' salaries and the uncertain state support of salaries does not provide the kind of incentives that attract and keep the most talented professionals;

WHEREAS, state funding for public education does not reflect the true cost of constructing, staffing, equipping, operating and maintaining schools that perform at the level needed to support the foundation for standards of quality and learning, and the costs of educating at-risk students create additional fiscal pressures on many school systems;

WHEREAS, not only are students being left behind, taxpayers are seeing the increasing burden of higher local real estate tax rates as local governments try to pay both their share and the state's share of education costs, and, when Virginia's students plan for higher education, they face additional challenges because legislative reports also have verified that appropriate levels of funding have not been achieved for higher education, and one of the worst results of reduced

funding for college students is that so many qualified Virginia students are denied admission because the faculty, buildings, and equipment are simply not there to accommodate them; and

WHEREAS, the effects of being left behind without a high school diploma or a college degree, especially for an at-risk student, are compelling. A Virginian who has a high school diploma earns a lot more than one who does not. A degree from a community college means more, and a four-year college degree means even more. Education literally pays, in addition to its other quality-of-life benefits.

THEREFORE BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council urges the General Assembly to provide additional State dollars to fully fund the actual costs of the Standards of Quality and the legislative guidelines for higher education funding. These actions are essential if our elementary, middle and high schools, community colleges and four-year colleges and universities are to meet the following goals:

- Smaller classes in schools and colleges where teachers and faculty can provide students the individual attention they need to learn and graduate on time;
- Sufficient numbers of well-qualified teachers and faculty to give every student the opportunity to graduate from high school and to have access to higher education and opportunities for training and skill development;
- Competitive salaries to attract and keep well-qualified teachers and faculty to help students learn;
- Modern, safe classrooms, laboratories, technology and equipment to provide the environment in which students learn best; and
- Accountability and performance measurement at all levels for students, teachers, faculty, administrators and others responsible for helping students learn.

2. The City Clerk is directed to forward attested copies of this resolution to The Honorable John S. Edwards, Member, Senate of Virginia, The Honorable A. Victor Thomas, and the Honorable Clifton A. Woodrum, III, Members, House of Delegates.

ATTEST:

City Clerk.



CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 4, 2003

Honorable Ralph Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Reordaining and
Amendment of Ordinance
No.35588-091701. Vacating,
discontinuing and closing a 12'
alley. 2701 – 2729 Richelieu Av.
SW.

Background:

On September 17, 2001, Ordinance No. 355588 – 091701 was adopted by City Council, permanently vacating an alley. It took effect ten days thereafter. As a condition of the ordinance, the petitioner was required to prepare and record a subdivision plat showing the vacated portion of the alley and the combination of the alley with the adjoining parcels. The ordinance required that the plat be prepared and recorded within a period of twelve months. If this was not done within the twelve months provided, the ordinance provided that it would become null and void.

A subdivision plat was submitted for review on November 8, 2001. Plat review comments and request for revisions were forwarded to the surveyor and petitioner on November 26, 2001. As a part of the requested revisions, signatures of the seven affected property owners were required. The process of signing the plat continued for more than a year. The last signature obtained is shown as being

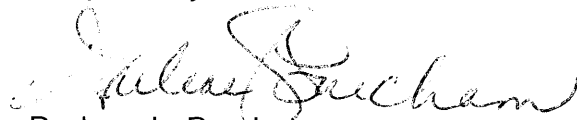
dated and notarized on November 12, 2002. The plat was resubmitted for review on December 9, 2002, and approved on December 19, 2002. Plat recordation occurred on December 20, 2002. Copies of the recorded plat were returned to the City on December 31, 2002. As the chronology indicates, due to problems associated with obtaining signatures from the various property owners, the "null and void" date of September 27, 2002, was exceeded.

When the property owners prepared to record revised deeds it was discovered that the above-referenced ordinance had lapsed. Since all the conditions of the ordinance were satisfied with the recordation of the plat in Map Book 1, pages 2537 and 2538, the property owners have requested that Ordinance Number 355588-091701 be readopted and amended with the condition that the conditions set out therein be met within a period of 24 months (September 27, 2003).

Recommendation:

Readopt and amend Ordinance Number 35588-091701 with the condition that the period of time required for satisfaction of the conditions be revised from twelve months to 24 months.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:tt

- c William M. Hackworth, City Attorney
- Mary F. Parker, City Clerk
- Jesse A. Hall, Director of Finance
- R. Brian Townsend, Agent, City Planning Commission

CM03-00154

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining Ordinance No. 35588-091701; and dispensing with the second reading by title of this ordinance.

WHEREAS, Ordinance No. 35588-091701, adopted September 17, 2001, was intended to permanently vacate, discontinue and close a certain unopened alleyway adjoining the rear of certain lots facing Richelieu Avenue, S.W., those lots being from 2701 Richelieu Avenue through 2729 Richelieu Avenue, S.W.;

WHEREAS, Ordinance No. 35588-091701 provided that it would be null and void, with no further action by City Council being necessary, if a plat of subdivision implementing the ordinance were not recorded within twelve months of the date of adoption of the ordinance;

WHEREAS, a plat of subdivision acceptable to the City was recorded, but not until fifteen months after the adoption of Ordinance No. 35588-091701 had elapsed, the ordinance then being null and void; and

WHEREAS, in order to effectuate the purpose of Ordinance No. 35588-091701, clean up the land records, and validate the plat of subdivision that has already been recorded;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that the next to last paragraph of Ordinance No. 35588-091701 be amended to read and provide as follows, and that such ordinance be reordained as amended:

BE IT FURTHER ORDAINED that if the above conditions have not been met within twenty-four (24) months from the date of adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FURTHER ORDAINED that the applicant shall record a certified copy of this ordinance along with the copy of Ordinance No. 35588-091701 that is to be recorded with the Clerk of the Circuit Court.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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August 4, 2003

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Honorable Alfred T. Dowe, Jr. Council Member
Honorable Beverly T. Fitzpatrick, Jr. Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Driver/Occupant Awareness Grant

Background:

The Virginia Department of Motor Vehicles (DMV) is the administering agency for pass through funds provided by the United States Department of Transportation for highway safety projects in Virginia. DMV offers these funds to successful applicants for activities which improve highway safety in Virginia.


The Virginia Department of Motor Vehicles has awarded the Roanoke Police Department \$15,000 for overtime and related FICA expenditures associated with conducting selective enforcement activities which target Driving Under the Influence (DUI), speeding, and motor vehicle occupant safety. The grant period is from October 1, 2003 through September 30, 2004. This is the eighth year Roanoke has received funds under this program.

There is a statistically proven proportional correlation between levels of motor vehicle law enforcement and traffic accidents in the City of Roanoke. Historically, speed and alcohol are factors in 17 percent of Roanoke's motor vehicle accidents. This program allows officers to concentrate on alcohol impaired drivers and speeders at times when such violations are most likely to occur.

Recommended Action:

Accept the Driver/Occupant Awareness grant and authorize the City Manager to execute the grant agreement and any related documents, subject to them being approved as to form by the City Attorney. Appropriate funding of \$15,000 and increase the corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:fjd

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM03-00159

fw

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	\$	2,900,683
DUI Overtime Grant - FY04 (1-2).....		15,000

Revenues

Public Safety	\$	2,900,683
DUI Overtime Grant - FY04 (3).....		15,000

1) Overtime	(035-640-3420-1003)	\$ 13,934
2) FICA	(035-640-3420-1120)	1,066
3) State Grant Receipts	(035-640-3420-3420)	15,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

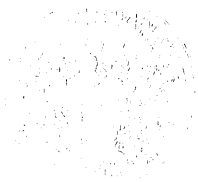
A RESOLUTION accepting the Driver/Occupant Awareness grant offer made to the City by the Virginia Department of Motor Vehicles, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke does hereby accept the Driver/Occupant Awareness grant offered by the Virginia Department of Motor Vehicles in the amount of \$15,000, such grant being more particularly described in the letter of the City Manager dated August 4, 2003, upon all terms, provisions and conditions relating to the receipt of such funds.
2. The City Manager and the City Clerk, are hereby authorized to execute, and attest, respectively, the grant agreement and all necessary documents required to accept this grant, all such documents to be approved as to form by the City Attorney.
3. The City Manager is further directed to furnish such additional information as may be required by the Virginia Department of Motor Vehicles in connection with the City's acceptance of this grant.

ATTEST:

City Clerk



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August 4, 2003

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Honorable Alfred T. Dowe, Jr. Council Member
Honorable Beverly T. Fitzpatrick, Jr. Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Bulletproof Vest Partnership Grant

Background:

The Bulletproof Partnership Grant Act of 2001, enacted by the 107th United States Congress, provides funds to eligible law enforcement agencies for the purchase of bulletproof vests. The grant program is managed by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. On June 30, 2003 Roanoke was awarded \$ 9,474 for bulletproof vests purchased by the Police Department in fiscal year 2002-03.

Recommended Action:

Accept the Bulletproof Vest Partnership reimbursement of \$9,474 and authorize the City Manager and Chief of Police to execute any agreements related to the grant.

Appropriate funding of \$9,474 and increase the corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund for the Bulletproof Vest Partnership. Establish a revenue estimate of the same.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

The Honorable Mayor and Members of City Council
August 4, 2003
Page 2

DLB:fjd

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM03-00157

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund and Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	\$ 2,910,157
Bulletproof Vests FY 04 (1)	9,474

Revenues

Public Safety-Special Purpose Grants	\$ 2,910,157
Bulletproof Vests FY 04 (2)	9,474

1) Wearing Apparel	(035-640-3316-2064)	\$ 9,474
2) Bulletproof Vests FY 04	(035-640-3316-3325)	9,474

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting a grant made to the City by the United States Department of Justice for the reimbursement of the cost of bulletproof vests, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke does hereby accept the Bulletproof Vest Partnership Grant made to the City by the Department of Justice for the cost of bulletproof vests, in the amount of \$9,474.02, such grant being more particularly described in the City Manager's letter dated August 4, 2003, upon all the terms, provisions and conditions relating to the receipt of such funds.
2. The City Manager and the City Clerk are hereby authorized to execute, seal and attest, respectively, all necessary documents required to accept this grant; all such documents to be approved as to form by the City Attorney.
3. The City Manager is further directed to furnish such additional information as may be required by the Department of Justice in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.

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OFFICE OF THE CITY MANAGER

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August 4, 2003

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Honorable Beverly T. Fitzpatrick, Jr. Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Gang Resistance Education And
Training (G.R.E.A.T.) Program Grant
Funds

Background:

The U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has awarded Roanoke Police Department a one-time only grant of \$4,840 to train twenty-five (25) of its officers and ten (10) law enforcement officers from surrounding jurisdictions in the Gang Resistance Education And Training Program (G.R.E.A.T.). The grant period is from January 16, 2003 to January 15, 2004. The G.R.E.A.T. Program is a school-based, life-skills competency program that is taught by uniformed police officers. The G.R.E.A.T. Program is designed to enable youth to develop positive attitudes toward police officers, avoid conflicts, be responsible, set positive goals and resist peer pressure. Statistics indicate that students who participated in the program had: lower rates of victimization; more negative views about gangs; more favorable attitudes towards the police; more peers involved in pro-social activities; and lower levels of involvement in risk seeking behaviors.

Recommended Action:

Accept the G.R.E.A.T. grant described above and authorize the City Manager to execute the grant agreement and any related documents. Appropriate grant funds of

The Honorable Mayor and Members of City Council
August 4, 2003
Page 2

\$4,840 with a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene Burcham".

Darlene L. Burcham
City Manager

DLB:fjd

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM03-00160

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund and Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	\$ 2,914,997
G.R.E.A.T. Program FY 04 (1)	4,840

Revenues

Public Safety-Special Purpose Grants	\$ 2,914,997
G.R.E.A.T. Program FY 04 (2)	4,840

- | | | |
|-----------------------------|---------------------|----------|
| 1) Training and Development | (035-640-3317-2044) | \$ 4,840 |
| 2) G.R.E.A.T. Program FY04 | (035-640-3317-3326) | 4,840 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting the Gang Resistance Education And Trainig (G.R.E.A.T.) grant offered to the City by the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke does hereby accept the G.R.E.A.T. grant offered by the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives in the amount of \$4,840, such grant being more particularly described in the letter of the City Manager, dated August 4, 2003, upon all terms, provisions and conditions relating to the receipt of such funds.
2. The City Manager and the City Clerk, are hereby authorized to execute, seal and attest, respectively, the grant agreement and all necessary documents required to accept this grant, all such documents to be approved as to form by the City Attorney.
3. The City Manager is further directed to furnish such additional information as may be required by the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives in connection with the City's acceptance of this grant.

ATTEST:

City Clerk